APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants

Joseph Pease Russell	Earl Cranston Lowry
Elmer Deloss Gay	Eugene Richard Inwood
Erling Severre Fugelso	Kirk Shepard
Paul Alexander Paden	Clifford Lewis Graves
David Fisher	Clark Batchelder Williams
Henry McClellan Greenleaf	John Robert Woodruff
Robert Reed Kelley	Walter Joseph Reedy
Henry George Moehring	William Clark Cooper
Henry Armand Kind	Henry Clay Vedder
John Henry Taber	George Zalkan
George John Matt	Albert Willard Kuske
Patrick Ignatius McShane	Leon Joseph Numainville
Louis Samuel Leland	Jay James Palmer
Andres Gilberto Oliver	William Maurice Jackson

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

Capt. Joseph Blair Daugherty, to the Quartermaster Corps.

POSTMASTERS

ALABAMA

Albert W. Darby, Florence.

ARIZONA

John E. Wagner, Jerome.

KANSAS

Olga Warner, Arlington.

KENTUCKY

Roy F. Williams, Lexington.

MASSACHUSETTS

Joseph William Gorman, Upton.

PENNSYLVANIA

Frank O'Neill, St. Marys.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 13, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Heavenly Father, we pray in the name of our Savior, who is not only the hope of glory but the spring of all moral influences; without Him we are weak, indeed. Endue us with that wisdom which casts our fear, that checks the feeling of shame and brings us to a place of confidence and encouragement. Bless, we pray Thee, all classes of our citizens—those who are most needy and ignorant and those who bear wrongs thrust upon them by others. We pray Thee to be with the youth of our land. May they grow up with faith in virtue, faith in truth, and faith in honor. Allow nothing, O Lord, to lead them away from a firm confidence in the power and happiness of personal integrity. Mercifully remember the Congress; may it administer its trust in the fear of God and with a true heart. Heavenly Father, may we believe in our country heartily and serve it unselfishly. In the Redeemer's name. Amen.

The Journal of the proceedings of Friday, December 10, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3114. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River between Colbert County and Lauderdale County, Ala.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein brief extracts from two resolutions.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SNELL. Mr. Speaker, I make a point of order a quorum is not present.

The SPEAKER. Will the gentleman from New York withhold his request until the unanimous-consent requests are considered?

Mr. SNELL. I withhold the point of order, Mr. Speaker.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a short poem by a Brooklyn high-school student on the futility of war.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two particulars, (1) a radio address on the subject of firearms, and (2) a letter addressed to the Federal Trade Commission.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a radio address by the Honorable Harold L. Ickes on the opening of the Grand Coulee Dam bid.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ELLENBOGEN asked and was given permission to extend his own remarks in the RECORD.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a short letter from the American Federation of Labor, with a brief analysis of the present wage-hour bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a telegram from the Massachusetts State Federation of Labor on the wage and hour bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SESSIONS OF COMMITTEES OF THE HOUSE

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman wil state it.

Mr. WOLCOTT. Mr. Speaker, has a legislative committee authority to sit during a session of the Committee of the Whole House on the state of the Union without the consent of the House?

The SPEAKER. In answer to the parliamentary inquiry of the gentleman from Michigan, the Chair will quote the provisions of clause 46 of rule XI, which provides that—

> No committee, except the Committee on Rules, shall sit during the sitting of the House, without special leave.

The Chair is of the opinion that when the House resolves itself into the Committee of the Whole House on the state of the Union the procedure is in a large measure a parliamentary fiction and contemplates the presence in the Committee of the Whole of the membership of the House itself. If a committee of the House were permitted to sit during sessions of the Committee of the Whole House on the state of the Union and all commmittees of the House desired to pursue this course, the gentleman can well see it would probably diminish the attendance here far below the quorum which is always required.

The Chair is of the opinion that no committee of the House can sit during a session of the House itself or a session of the Committee of the Whole without special leave.

(Mr. SABATH asked and was given permission to extend his own remarks in the RECORD.)

COMMITTEE ON BANKING AND CURRENCY

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have permission to sit during sessions of the House and during sessions of the Committee of the Whole for the remainder of the session.

Mr. O'CONNOR of New York. Reserving the right to object, Mr. Speaker, for how long, may I ask the gentleman from Alabama?

Mr. STEAGALL. During consideration of the Housing bill this week, Mr. Speaker.

The SPEAKER. The gentleman from Alabama, the chairman of the Committee on Banking and Currency, asks unanimous consent that during the present week the Committee on Banking and Currency may sit during the sessions of the House and of the Committee of the Whole House on the state of the Union. Is there objection?

Mr. STEAGALL. During the consideration of the Housing bill.

Mr. WOLCOTT. I object, Mr. Speaker.

CALL OF THE HOUSE

Mrs. NORTON. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twelve Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 16]

Atkinson	Burdick	Gasque	Towey
Binderup	Cole, Md.	Jarrett	Warren
Boylan	Collins	Kleberg	Whelchel
Brooks	Costello	Phillips	White, Idaho
Buck	Disney	Richards	
Buckley, N. Y.	Ditter	Sanders	

The SPEAKER. On this call 408 Members have answered to their names, a quorum.

On motion of Mrs. NORTON, further proceedings under the call were dispensed with.

THE HOUR AND WAGE BILL

Mrs. NORTON. Mr. Speaker, under rule XXVII of the House I call up the petition to discharge the Committee on Rules from further consideration of House Resolution 312.

The SPEAKER. The gentlewoman from New Jersey calls up a motion to discharge the Committee on Rules from the further consideration of the resolution which the Clerk will report by title.

The Clerk read as follows:

House Resolution 312

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2475, an act to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Labor, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. DIES. Mr. Speaker, under the rules of the House, as I understand, 20 minutes is to be allowed to a discussion of whether or not the Rules Committee will be discharged, 10 minutes to the proponents and 10 minutes to the opponents. As a member of the committee, I ask for recognition and for the 10 minutes in opposition to the discharge of the committee.

Mr. O'CONNOR of New York. Mr. Speaker, in connection with the parliamentary inquiry, may I say that heretofore on all motions to discharge the Rules Committee the chairman of the Rules Commitee has been recognized for the 10 minutes in opposition to the motion, and that irrespective of whether he personally was opposed to the motion.

I appreciate the exact language of the rule, but I recall the precedents of the bonus bills on several occasions, the Frazier-Lemke bill, and the antilynching bill. Of course, if the Speaker is going to rule that under a strict compliance with the discharge rule that anybody recognized for the second 10 minutes must be opposed to the motion to discharge, I may say to my colleague from Texas on the Rules Committee that, as he well knows, I have always been in favor of the wage and hour bill. I have made speeches in favor of such a bill on the floor of this House, in the Democratic caucus, and publicly.

Mr. Speaker, now that a majority of my party, 196 Democrats, have clearly evidenced an intention to consider this matter, I purpose to go along with a majority of my own party. I have often said on this floor and in the Democratic caucus that whenever a majority of my party favored legislation I would follow the majority rule, which is the keystone of democracy. Consistent with that invariable attitude, I therefore cannot qualify strictly against the motion to discharge. A number of my colleagues on the Rules Committee take the same position. This being the case, if the Speaker should now rule that I must first qualify as being opposed to the motion to discharge, I cannot qualify, because I propose to vote for the motion to discharge. [Applause.]

In this way the important proposal of a wage and hour bill can be brought before the House for a thorough consideration. The platform of the Democratic Party adopted at Philadelphia last summer pledged us to take care of the situation as to minimum wages and maximum hours. I ran on that platform and propose to abide by it.

The leader of our Democratic Party, the President of the United States, twice in messages to us, in May and November of this year, requested us to fulfill that party pledge. I propose to follow his leadership.

The SPEAKER. In answer to the parliamentary inquiry of the gentleman from Texas [Mr. DIES], a member of the Rules Committee, the Chair thinks it proper to read the rule in connection with this matter of the control of time so there may be no confusion about the interpretation of the rule:

When any motion under this rule shall be called up, the bill or resolution shall be read by title only. After 20 minutes' debate, one-half in favor of the proposition and one-half in opposition thereto, the House shall proceed to vote on the motion to discharge.

The Chair recalls that on some former occasions the Chairman of the Rules Committee has been recognized in opposition to the motion; but in view of the fact that the gentleman from Texas has asked an interpretation of the rule and proposes himself to qualify in opposition to the rule, and in view of the statement of the gentleman from New York [Mr. O'CONNOR], the chairman of the Rules Committee, that he cannot qualify in opposition, the Chair feels impelled to rule that if someone desires to be recognized who qualifies in opposition to the rule, he should be recognized under the provisions of the rule.

Mr. SABATH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SABATH. Mr. Speaker, as I understand, there are four or five other gentlemen who are members of the Rules Committee who have been, and I presume still are, opposed to the discharge of the Rules Committee. Would it be fair to them that the time should be allocated to one of the members alone if the others are also desirous of being heard? I think such a course would be manifestly unfair—not that I am opposed to the bill, because I favor the discharge of the committee and am for the bill and for the motion.

The SPEAKER. The Chair is of the opinion, in reply to the question of the gentleman from Illinois [Mr. SABATH] that there is considerable analogy involved in this proposition to that where the question of recognition for a motion

to recommit a bill is concerned. When that occasion arises, under the rules, the Chair first asks if the ranking minority Member in opposition to the bill desires to make a motion to recommit, and if he does not, the practice has been that the Chair should go down the list of Members of the committee in the order of priority; and if the gentleman from Illinois insists that this course should be followed in this instance, I think it proper for the Chair to pursue such a course because that has been the practice heretofore.

Mr. SABATH. I believe in fairness to the other Members here, that rule should be followed.

The SPEAKER. The Chair will recognize the gentlewoman from New Jersey [Mrs. NORTON] for 10 minutes in favor of the resolution.

The Chair will ask the gentleman from New York [Mr. O'CONNOR], chairman of the Rules Committee, if he is opposed to the motion to discharge the Committee.

Mr. O'CONNOR of New York. Mr. Speaker, I am not. I am in favor of the motion to discharge, and I am in favor of the bill.

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. SABATH] if he is opposed to the motion.

Mr. SABATH. I am in favor of the resolution, Mr. Speaker.

The SPEAKER. The gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I am in favor of the resolution.

The SPEAKER. The gentleman from Georgia [Mr. Cox].

Mr. COX. I am opposed to the resolution, Mr. Speaker.

The SPEAKER. Does the gentleman desire to qualify in opposition to the motion to control the time?

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR of New York. Under the procedure on a motion to recommit, for instance, to which the Chair has called attention, the first opportunity is usually accorded to the minority side of the House, the Republican side. That is the normal rule as to the division of debate. Why should it not apply in this instance? The distinguished lady from New Jersey [Mrs. NORTON], chairman of the Committee on Labor, has arisen in support of the motion. Why should not a Member of the Republican minority have preference in opposition to the motion?

The SPEAKER. This proposition is different from that because it is proposed to discharge a committee controlled by the majority.

Mr. O'CONNOR of New York. Mr. Speaker, I find no warrant for that conclusion. No committee is controlled except by a majority vote of the individual members, irrespective of party. There are four members of the Republican minority of the House on the Rules Committee. If at any time two or three of those Republican members of the Rules Committee had voted with the Democratic members who were in favor of a rule for the consideration of the wage and hour bill, no petition to discharge would have even been necessary.

Now, Mr. Speaker, if any of the members of the Rules Committee are going to be interrogated, I insist that the four Republican members of the Rules Committee be interrogated as to how they stand on this motion to discharge. So far they have clearly indicated they are against any wage and hour bill.

Mr. SNELL rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. SNELL. Mr. Speaker, I make the point of order that it is not in order for the Speaker to interrogate the members of the Committee on Rules as to how they stand on this proposition. It has been the custom in the House that if anyone is opposed to a proposition and demands the time and rises and asks for the time, that then is when the Speaker may interrogate that Member as to how he stands upon the question before the House, and not interrogate Members who have not made such a demand for time.

The SPEAKER. The Chair overrules the point of order.

Mr. SNELL. I expected the Chair would, but I made the same in all seriousness.

The SPEAKER. Does any member of the Committee on Rules desire to qualify in opposition to the motion?

Mr. COX. Mr. Speaker, I qualify.

The SPEAKER. The gentleman from Georgia desires to qualify in opposition to the motion, and the Chair will recognize the gentleman from Georgia to control the time in opposition to the motion. The gentlewoman from New Jersey is recognized for 10 minutes.

Mrs. NORTON. Mr. Speaker, on May 24, 1937, the President sent a message to Congress requesting legislation to protect that large group of our citizens, estimated at about 12,000,000, who are working under substandard labor conditions. As a result of that message, a bill was introduced—H. R. 7200—upon which joint hearings were held with the Senate. Following the hearings this bill was considered by the Committee on Labor, but before any definite action was taken the Senate passed its own bill—S. 2475—which was referred to the House committee. In order to expedite the passage of the bill, the House committee considered S. 2475, amended it, and reported it favorably to the House on August 6, 1937. Eighteen members of the committee voted in the affirmative, two in the negative, and one man was absent because of illness, but he otherwise would have voted in the affirmative, making the committee vote almost unanimous. The bill was reported to the House on August 6, 1937. The Rules Committee having refused to report the bill for reasons very difficult to understand, the House was denied the right to debate the bill. We contend that it is the business of the House to debate this bill, particularly since it was reported almost unanimously from the Labor Committee. Because that right was denied, a petition was placed upon the Speaker's desk on November 16, to which 218 names have been affixed. Seven days having elapsed since that time, and the petition having been completed, your committee asks the House for full consideration of the bill.

Mr. Speaker, very seldom, and I think since I came to Congress only once, has the Rules Committee been as arbitrary in the consideration of a bill as it has in this case. We all understand there are differences of opinion concerning the bill. Members have a perfect right to their opinion, each and every Member of this House has a perfect right to his opinion, but I do say that no committee in the House should dare to deny to the Members of the House the right to consider any legislation that has been passed out by a committee of the House. [Applause.] That is the question upon which you must decide this morning. If you start a precedent here in this House by which the Rules Committee can deny a committee of the House the right to present a bill and debate it before the House, then I say to you there is only one committee necessary in the House and that is the Rules Committee. Are you going to permit the Rules Committee to do this to the Members of the House? If I know anything about the membership of this House—and I appeal to both sides of the House—if I know anything about you gentlemen—of course I am sure of the ladies—I say to you that you certainly will vote to give your committee the confidence that it deserves to have, and permit this bill to come up for consideration.

There are many things that I would like to say concerning the bill, which will be said later on, but one thing I say is this: If this morning you deny consideration of the bill that has been reported out by your committee, you will live to rue the day that you took that position. I now yield 5 minutes to the gentleman from Georgia [Mr. RAMSPECK], but in all fairness, Mr. Speaker, I think the opposition should use some of its time. I reserve the remainder of my time.

The SPEAKER. The gentleman from Georgia is recognized for 10 minutes.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Mr. Speaker, have the proponents of the measure the right to divide up the time—in other words, reserv-

ing to themselves the conclusion of the argument on the question?

The SPEAKER. The gentleman from Georgia can yield a part of his time of 10 minutes if he so desires. The Chair is of opinion that under frequent decisions of the House the gentlewoman from New Jersey is entitled to the opening and closing of the debate.

Mr. COX. The opening and closing?

The SPEAKER. Yes.

Mr. COX. Mr. Speaker, I yield to the gentleman from Texas [Mr. DIES] the full 10 minutes.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. Is not the minority that is opposed to this resolution entitled to part of this time?

Mr. LAMNECK. Mr. Speaker, the regular order.

The SPEAKER. Does the gentleman from Illinois submit a point of order?

Mr. SABATH. Mr. Speaker, I do, but I desire to correct my inquiry. When I say "Republicans" I mean some of the Republicans. I do not mean all of the Republicans.

Mr. SNELL. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair will state in reply to the inquiry of the gentleman from Illinois [Mr. SABATH] that the Chair has already announced the provision of the rule. The gentlewoman from New Jersey controls 10 minutes. The gentleman from Georgia has qualified in opposition to the resolution, and controls 10 minutes. The gentleman from Texas [Mr. DIES] has been recognized for 10 minutes. [Applause.]

Mr. DIES. Mr. Speaker, I cannot agree with the gentlewoman from New Jersey when she says that this is a Democratic measure. If the gentlewoman will take the time to read the Democratic platform, which may not mean anything to some Members, but which should mean a great deal to the Democratic Party, she will find that that platform plainly and specifically calls for a wage and hour bill, providing for both State and Federal action; a bill that clearly contemplates joint cooperation on the part of the State and the Federal Government. That is the pledge upon which we went to the country. That is the wage and hour plank that was endorsed by the American people.

But that is not the kind of a bill that we are asked to consider. The House bill not only violates the Democratic platform, but it repudiates every pledge that the Democrats have made from the day that President Roosevelt was nominated in 1932 until the present time. We went around this country denouncing bureaucracy, and, using the stirring language of the President, we denounced government by supermen. In the language of our great leader, we said that no government could be administered wisely and properly when Congress delegates its constitutional functions to bureaucratic boards or to dictatorial administrators. I do not have the time to quote from some of the magnificent speeches made by our President in which he denounced government by bureaucracy, but I think the following quotation from his farm program enunciated on September 15, 1932, is a fair example of the attitude he assumed with respect to bureaucratic control. In speaking of the farm plan he said:

> It must make use of its existing agencies, and so far as possible be decentralized in its administration, so that the chief responsibility for its operation will rest with the locality rather than with newly created bureaucratic machinery in Washington.

In this bill we propose to place in the hands of bureaucrats or an administrator, as the case may be, the right to differentiate and discriminate between the same industries in the same sections. The bill proposes to delegate to this "newly created bureaucratic machinery in Washington" the power of life and death over industry and labor. It must never be forgotten that the right to differentiate and discriminate is the right to destroy. If any Member has any doubt as to the effect of the exercise of such power by the board, he need only study the recent report on what the N. R. A. did with respect to minimum wages and maximum hours. He will find that an artificial line of demarcation was established throughout the Nation; that on one side of the line the wages were 15 percent less than on the other, and that in some towns an industry on one side of the street enjoyed a wage differential over an industry on the other side of the street. That was destructive to fair competition. To indulge the vain hope that "this newly created bureaucratic machinery" will prove an exception to the rule is to ignore the experiences of the past and the elementary lessons of history.

When the gentlewoman from New Jersey says that this is a Democratic measure, it should be pointed out that the action of her own committee repudiates that statement. She has now in her possession a new bill composed of 129 amendments which she intends to offer as a substitute for the pending measure. You will not be called upon to consider and pass the bill that 218 Members of this House signed a petition to discharge from the consideration of the Rules Committee. You will be asked to consider a bill radically different from the original bill in many material respects. Does not this action of the Labor Committee demonstrate that they lack the information to prepare a workable bill? If they had any definite ideas about the kind of bill which should be prepared, could they have sidetracked the original bill so completely and at the eleventh hour brought in a measure which no one has had an opportunity to study? When the committee itself lacks confidence in its own work, how can it inspire confidence in the country?

You have before you a bill that labor does not want. The American Federation of Labor is denouncing it from one part of the country to the other. You have a bill which business denounces as discriminatory and dangerous to economic stability. Many businessmen have said that if Congress is to pass the wage and hour bill, the wages and hours should be fixed, or that some definite formula should be agreed upon that will prevent discriminations and abuses. The present bill will give this "newly created bureaucratic machinery in Washington" the opportunity to discriminate in favor of one industry as against another and to literally destroy legitimate industry and labor. You are optimistically assured that the board will not do any such thing. How do you know that they will not? A bill is to be measured by the power that it gives, and wise legislators will always jealously guard the rights of the people.

You have a bill that every farm organization has denounced. The farmers have asked you why they are being denied the benefit of a living wage. By your vote last week you denied to them parity prices which meant a living wage. Therefore, Mr. Speaker, this bill and its proposed substitute meets with the universal condemnation of every group in our economic and national life. [Applause.]

When the gentlewoman from New Jersey says that the Rules Committee has no precedent to hold up a bill that has been reported favorably by a standing committee, she evidently overlooks the Frazier-Lemke bill. The Committee on Agriculture reported it favorably and this House refused to consider that bill after 218 Members had signed a petition to discharge the committee.

As a matter of fact, we should not consider this ill-prepared and half-baked measure that is designed to humbug labor—this measure, which even the Labor Committee has repudiated by its action in agreeing to a substantially different substitute.

A measure whose proponents say to the southern Members, "Oh, we are not going to hurt your southern industries; we have inserted in the bill many protecting differentials and provisos and generalities; we are going to protect you against any appreciable wage increase," and then say to the northern Members, "You should support this bill because it will stop the trend of industry from the North to the South." This bill is not for the benefit of labor but is a bill to humbug the laboring people until after the next election.

Not more than a handful of laboring people will be benefited by this bill. According to statistics recently released, not more than 500,000 laboring people will come under the provisions of the bill. You have exempted all agricultural labor and you have exempted many industries engaged in interstate commerce from the operation of the bill. Of

course, the bill does not apply to those engaged in intrastate commerce. While few laboring people will be benefited, the bill will be used as a pretext by many business and industrial concerns to do what they did when we passed the N. R. A.—to increase the prices of all commodities to the American consumer.

Let me say this in conclusion, that you and I face a grave crisis in our economic life. Unemployment is increasing by leaps and bounds. Terror and fear have paralyzed the economic life of the Nation. Factories and plants are either closing down or greatly curtailing employment, with the result that millions of men may again walk the streets in search of jobs. We have undertaken by the expenditure of billions of dollars, that have been borrowed from future generations, to take up the slack. With what degree of success the present situation demonstrates.

It will be unwise to impose upon the country this hastily considered, poorly written, and unintelligible makeshift. Labor and industry have made it clear that they prefer a plain and understandable wage and hour law that will treat everyone alike and preclude bureaucratic arrogance and discriminations. I cannot believe that at this critical moment we are so lacking in judgment and wisdom as to impose upon the country a measure that violates everything that the Democratic Party has ever stood for, a measure that gives a lie to our campaign promises of 1932 and 1936. If the proponents of this measure are sincere in their professed zeal to carry out the Democratic platform, why did they not write a real wage and hour bill and not an absurd makeshift designed to humbug and to deceive the American laboring people into believing that Congress is going to help them?

I do not think a proper bill can be written on the floor of the House in view of the situation which has developed. In the first place, it is doubtful if necessary amendments will be held germane. In the second place, the membership of the House lacks the necessary information with which to wisely frame a workable bill. In fact the whole situation is such that the House is not prepared to write an effective bill, and this bill should go back to the Labor Committee where the entire question should be reopened for a fair and impartial consideration. The committee should permit business, labor, and all groups in our economic life to come before it and to present their views for the purpose of enabling the committee to write a bill that is workable, a bill that is effective, and a bill that is honest. Labor does not want a makeshift. In the end it will be wiser to be honest and frank with labor than it will be to seek to deceive them by such a measure as the one you are proposing. We in the South are just as much interested in a living wage as you in the North, but we are suspicious of the motives which actuate you in proposing the present measure. We know that you will dominate whatever board or administrator that is selected. According to statistics released by the Labor Department, not more than 2 percent of your workers will be affected by this bill. Some of you have frankly told us in the cloak room that the urge for this measure in your section is the hope that the trend of the industries from the North to the South may be stopped. Since you are not proposing a bill which will enable you to help the workers in your own section, we are suspicious as to the motives which actuate you to support a measure that will give to a board or administrator the right to discriminate and differentiate. Any bill that is passed should provide for a living wage in the North the same as in the South. This bill does not do that. It is well known that in the East from 30 to 50 percent of the workers' wage goes to rent. The cost of living is extremely high and a wage earner in the industrial East who receives 40 cents an hour is, in many instances, working for starvation wages. But this bill will not enable you to do anything for that worker. Then, too, as has been pointed out, some of the lowest paid workers in the Nation are in New England, where the workers are paid not by the day but by piece work. It has been recently disclosed that thousands of the girls who are doing this work are in pitiful condition. This bill does not propose to help the piece workers in the North. In view of these facts, is it any wonder that many southerners suspect that the real purpose behind this bill is to discriminate against southern industry and labor?

Although we only had eight lynchings in the South last year the majority of you passed an antilynching bill designed to punish the South and destroy State sovereignty.

Coming upon the heel of that infamous bill, is there any wonder that we suspect your motives when you espouse a measure that cannot help the low-paid workers in your section but will give to you a strangle hold upon our industry and labor? I am not saying that these are the motives that actuate you in sponsoring this bill, but I do say that your refusal to write a plain and understandable bill is just ground for our suspicion. If you really want a wage and hour bill designed to help labor, then let us have the courage to write it on the statute books and make it apply to all sections. [Applause.] If you cannot do that, then at least be honest with the country and stop humbugging the workers of the Nation and telling them something that you and I know will never happen.

I submit, Mr. Speaker, that a bill which exempts some 50-odd industries; a bill that ignores the majority of workers throughout the country; a bill that provides for what you in the North profess to complain about, differentials; a bill that perpetuates by law the very conditions that you say you are against; I submit that such a bill should not be considered on this floor but should be sent back to the Labor Committee, where the entire question can be reconsidered.

If we are interested in good government and in the cause of democracy, we will send this bill back to the committee and tell the committee to prepare an intelligible, workable, and honest measure that will do what the people of this country have been led to believe that we intend to do. [Applause.]

Mrs. NORTON. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, the gentleman from Texas always makes a fine speech. Had he been discussing this bill on its merits just before the final vote I would say he had made an applicable argument; but we are not facing the question at this hour of whether we are going to pass a wage-hour bill, we are facing in this vote only the question, my friends—and I appeal first to the Members of my party—whether or not we have the courage to face a recommendation sent us by our party leader from the White House and to meet the issue fairly [applause]; and, Republicans, you face the question whether or not you are going to be a party to holding business in suspense for another several months and not have the courage to face the issue of a wage-hour bill. For myself I am going to vote to bring this bill up for consideration. [Applause.]

Mr. Speaker, I think the worst thing that could happen to the business interests of this country at this particular hour is to leave business in a state of suspense on this question. Let us have the courage, my friends, to vote to consider this bill and then vote our convictions on passage after the bill has been perfected in the Committee of the Whole. I came to Congress 8 years ago while the Republicans had a majority of 160. For more than 12 months they held this country in a state of suspense as to what the tariff law would be. It is my personal judgment that that did more to cause the panic of 1929 than any other single thing that happened in this country. Now let us not put that burden upon business in this country. Let us have the courage to face this party plank in our platform, let us have the courage to act upon the recommendations of the President of the United States who sent his message here last May. Let us remember the fact that your committee from the House and a similar committee from the Senate held joint hearings, morning and afternoon, for 3 weeks, that your House committee gave further consideration to this question in executive session for an additional 3 weeks before reporting this measure. The committee has further considered the matter this session. While I am not here to criticize the members of the Rules Committee, I do differ with them in their judgment. I believe they acted wrongfully in withholding this measure.

I appeal to the Democrats to stand by on this issue and face it squarely. Let us vote on the matter and decide this question on its merits. Let us not send it back to the committee of all things, but give business the opportunity now to know what wages they are going to have to pay and what conditions they are going to have to operate under. Let us vote to discharge the Rules Committee and bring this matter up for a fair consideration on its merits. [Applause.]

The SPEAKER. All time has expired. The question is on the motion to discharge the committee.

The question was taken, and the Chair announced he was in doubt.

Mr. DEEN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 123, not voting 22, as follows:

[Roll No. 17]

YEAS—285

Aleshire	Englebright	Kopplemann	Ramspeck
Allen, Del.	Evans	Kramer	Randolph
Allen, La.	Faddis	Lanzetta	Rayburn
Allen, Pa.	Farley	Larrabee	Reed, Ill.
Amlie	Ferguson	Lea	Rees, Kans.
Anderson, Mo.	Fernandez	Leavy	Richards
Arnold	Fish	Lemke	Rigney
Ashbrook	Fitzgerald	Lesinski	Robinson, Utah
Barden	Fitzpatrick	Lewis, Colo.	Robsion, Ky.
Barry	Flannagan	Lewis, Md.	Rogers, Mass.
Barton	Flannery	Long	Romjue
Bates	Fleger	Lucas	Ryan
Beam	Fletcher	Luckey, Nebr.	Sabath
Beiter	Forand	Ludlow	Sacks
Bell	Ford, Calif.	Luecke, Mich.	Sadowski
Bernard	Frey, Pa.	McAndrews	Sauthoff
Bigelow	Fries, Ill.	McCormack	Schaefer, Ill.
Binderup	Gambrill, Md.	McFarlane	Schneider, Wis.
Bloom	Gavagan	McGrath	Schuetz
Boehne	Gearhart	McGroarty	Schulte
Boileau	Gehrmann	McKeough	Scott
Boland, Pa.	Gifford	McLaughlin	Scrugham
Boren	Gilchrist	McSweeney	Secrest
Boyer	Gildea	Magnuson	Seger
Bradley	Gingery	Mahon, S. C.	Shanley
Brewster	Goldsborough	Mahon, Tex.	Shannon
Buck	Gray, Ind.	Maloney	Sheppard
Buckler, Minn.	Gray, Pa.	Mansfield	Sirovich
Bulwinkle	Greenwood	Martin, Colo.	Smith, Conn.
Burdick	Greever	Martin, Mass.	Smith, Maine
Byrne	Gregory	Massingale	Smith, Wash.
Cannon, Wis.	Griffith	Maverick	Smith, W. Va.
Carter	Griswold	May	Snyder, Pa.
Cartwright	Haines	Mead	Somers, N. Y.
Casey, Mass.	Hancock, N. C.	Meeks	South
Celler	Harlan	Merritt	Spence
Champion	Harrington	Mills	Stack
Chandler	Hart	Mitchell, Ill.	Stefan
Citron	Harter	Moser, Pa.	Sullivan
Cochran	Havenner	Mosier, Ohio	Sumners, Tex.
Coffee, Wash.	Healey	Mouton	Sutphin
Colden	Hendricks	Murdock, Ariz.	Sweeney
Connery	Hennings	Nelson	Swope
Cooley	Hildebrandt	Nichols	Taylor, Colo.
Creal	Hill, Ala.	Norton	Teigan
Crosby	Hill, Wash.	O'Brien, Ill.	Thom
Crosser	Honeyman	O'Brien, Mich.	Thomas, N. J.
Crowe	Hook	O'Connell, Mont.	Thomas, Tex.
Culkin	Houston	O'Connell, R. I.	Thomason, Tex.
Cullen	Hull	O'Connor, Mont.	Thompson, Ill.
Cummings	Hunter	O'Connor, N. Y.	Tobey
Curley	Imhoff	O'Day	Tolan
Daly	Izac	O'Leary	Transue
Delaney	Jacobsen	O'Malley	Treadway
Dempsey	Jenckes, Ind.	O'Neal, Ky.	Umstead
DeMuth	Jenkins, Ohio	O'Neill, N. J.	Vincent, B. M.
DeRouen	Jenks, N. H.	O'Toole	Vinson, Fred M.
Dingell	Johnson, Luther A.	Oliver	Voorhis
Dirksen	Johnson, Lyndon	Palmisano	Wallgren
Dixon	Johnson, Minn.	Parsons	Walter
Dockweiler	Johnson, Okla.	Patrick	Wearin
Dorsey	Johnson, W. Va.	Patterson	Welch
Dowell	Jones	Peterson, Fla.	Wene
Drew, Pa.	Kee	Pettengill	White, Idaho
Duncan	Keller	Pfeifer	Wigglesworth
Dunn	Kelly, Ill.	Phillips	Withrow
Eberharter	Kelly, N. Y.	Plumley	Wolverton
Eckert	Kennedy, Md.	Poage	Wood
Edmiston	Kennedy, N. Y.	Powers	Zimmerman
Eicher	Kenney	Quinn	
Ellenbogen	Keogh	Rabaut	
Elliott	Kirwan	Ramsay	

NAYS—123

Allen, Ill.	Biermann	Caldwell	Clark, Idaho
Andresen, Minn.	Bland	Cannon, Mo.	Clark, N. C.
Andrews	Boykin	Carlson	Clason
Arends	Brown	Chapman	Claypool
Bacon	Burch	Church	Cluett
Coffee, Nebr.	Halleck	Maas	Simpson
Cole, N. Y.	Hamilton	Mapes	Smith, Va.
Colmer	Hancock, N. Y.	Mason	Snell
Cooper	Hartley	Michener	Sparkman
Cox	Hobbs	Mitchell, Tenn.	Starnes
Cravens	Hoffman	Mott	Steagall
Crawford	Holmes	Owen	Taber
Crowther	Hope	Pace	Tarver
Deen	Jarman	Patman	Taylor, S. C.
Dies	Kerr	Patton	Taylor, Tenn.
Dondero	Kinzer	Pearson	Terry
Doughton	Kitchens	Peterson, Ga.	Thurston
Douglas	Kniffin	Pierce	Tinkham
Doxey	Knutson	Polk	Turner
Drewry, Va.	Kocialkowski	Rankin	Vinson, Ga.
Driver	Lambertson	Reece, Tenn.	Wadsworth
Eaton	Lambeth	Reed, N. Y.	West
Engel	Lamneck	Rich	White, Ohio
Ford, Miss.	Lanham	Robertson	Whittington
Fuller	Lord	Rockefeller	Wilcox
Fulmer	Luce	Rogers, Okla.	Williams
Gamble, N. Y.	McClellan	Rutherford	Wolcott
Garrett	McGehee	Sanders	Wolfenden
Green	McLean	Satterfield	Woodruff
Guyer	McMillan	Shafer, Mich.	Woodrum
Gwynne	McReynolds	Short	

NOT VOTING—22

Atkinson	Collins	Jarrett	Towey
Boylan, N. Y.	Costello	Kleberg	Warren
Brooks	Dickstein	Kvale	Weaver
Buckley, N. Y.	Disney	McGranery	Whelchel
Case, S. Dak.	Ditter	Murdock, Utah	
Cole, Md.	Gasque	Reilly	

So the motion was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Boylan of New York (for) with Mr. Collins (against).
Mr. Reilly (for) with Mr. Ditter (against).
Mr. Buckley of New York (for) with Mr. Kleberg (against).
Mr. McGranery (for) with Mr. Gasque (against).
Mr. Dickstein (for) with Mr. Jarrett (against).

General pairs:

Mr. Warren with Mr. Case of South Dakota.
Mr. Hennings with Mr. Kvale.
Mr. Cole of Maryland with Mr. Murdock of Utah.
Mr. Weaver with Mr. Costello.
Mr. Disney with Mr. Towey.
Mr. Cole of Maryland with Mr. Whelchel.
Mr. Brooks with Mr. Atkinson.

Mr. LUCKEY of Nebraska and Mr. CARTWRIGHT changed their vote from "nay" to "yea."

Mr. HART. Mr. Speaker, my colleague from New Jersey, Mr. TOWEY, is unavoidably detained. If present, he would have voted "yea" on the motion.

The result of the vote was announced as above recorded.

The SPEAKER. Under the rule the question is on agreeing to the resolution, which the Clerk will again report.

The Clerk again read House Resolution 312.

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 171, noes 37.

So the resolution was agreed to.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent for an extension of time of debate. A great many Members have asked me for time to speak on the bill. The 2 hours on each side will provide only sufficient time for the committee and scarcely that. If agreeable to the House, I ask unanimous consent that the time may be extended to 6 hours.

The SPEAKER. The gentlewoman from New Jersey [Mrs. NORTON] asks unanimous consent that the time for general debate on the bill as provided in the rule just adopted be extended from 4 to 6 hours. Is there objection?

Mr. LESINSKI. Mr. Speaker, I object.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the time for general debate may be extended 1 hour. I make the request for the reason I am sure this House wants to be fair. You do not want to cut this matter off without adequate debate. The majority controlling the time under the rule and the minority controlling the time are in favor of the bill. It seems to me that a few of us who desire to make some remarks on the bill ought to have the opportunity to do so and I trust we may have just a little time. If you pass the bill, you ought to give us time. You will lose more time if you do not give it to us now.

Mr. Speaker, I ask unanimous consent that the time may be extended 1 hour.

The SPEAKER. The gentleman from Tennessee [Mr. McREYNOLDS] ask unanimous consent that the time for general debate be extended to 5 hours. Is there objection?

Mr. MARTIN of Colorado. Mr. Speaker, reserving the right to object, I cannot see where 1 hour will accomplish very much. There are some of us in this House who have obligations. I have had obligations on me for 6 months.

Mr. SNELL. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order has been demanded. Is there objection to the request of the gentleman from Tennessee [Mr. McREYNOLDS]?

Mr. MARTIN of Colorado. Mr. Speaker, I object. If we cannot get 1 hour, we will not have any.

Mr. KNUTSON. Mr. Speaker, I move that the time be extended 2½ hours.

Mr. MARTIN of Colorado. Mr. Speaker, I withdraw my objection.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that time for debate be extended 2 hours.

The SPEAKER. The gentleman from Tennessee [Mr. McREYNOLDS] may modify his request if he desires to do so. The Chair would suggest in submitting his request he include some provision with reference to the control of the additional 2 hours.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the time for general debate be extended 2 hours and that proper arrangement be made for those of us who are opposed to his bill, to have that time at our disposal.

Mr. LESINSKI. Mr. Speaker, I yield to the request of the gentlewoman from New Jersey and withdraw my objection entirely.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. McREYNOLDS]?

Mr. O'MALLEY. Mr. Speaker, reserving the right to object, may I ask the gentleman from Tennessee if it is not the usual procedure that those who are opposed to a bill have to get their time from the minority side, as we have had to do on occasions?

Mr. McREYNOLDS. In answer to the gentleman, may I say that the minority are for the bill. We want a little chance to speak. We hope the gentleman will not object.

Mr. O'MALLEY. I may refresh the gentleman's memory by stating that at times we were opposed to bills from the gentleman's committee and we have had to get time from the other side. I shall not object if the time is in charge of the committee.

The regular order was demanded.

Mr. O'MALLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin [Mr. O'MALLEY] objects.

Mr. O'MALLEY. Mr. Speaker, I withdraw the objection.

Mrs. NORTON. Mr. Speaker, I renew my request to extend the time for 2 hours, and I promise the Members of the House to be perfectly fair in the distribution of the time.

Mr. ANDREWS. Mr. Speaker, I object.

Mr. McREYNOLDS. I trust the gentleman will withdraw his objection.

Mr. ANDREWS. I object, Mr. Speaker.

Mrs. NORTON. Will the gentleman from New York please withdraw his objection? I believe this bill is very important to every Member of the House.

Mr. ANDREWS. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2475) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2475, with Mr. McCORMACK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mrs. NORTON. Mr. Chairman, we believe every right-thinking person is in agreement with the necessity for legislation governing labor in interstate commerce. I would not believe otherwise. The advantage taken today by employers in certain parts of the country where substandard labor conditions exist is apparent. Unfortunately it is more true now than ever before because of changing conditions. That honest employers of labor should be protected is also apparent. That he must be protected if he is to endure is regrettably too true. The difficulty lies in how we are going to help this condition and also assist the employees in securing a living wage. It becomes obvious that we are faced with two problems therefore. To solve them both is our job. Various methods have been suggested. Your committee has tried to meet the situation, has tried to take into consideration every factor. It has been a difficult task. There are many schools of thought, some of which are governed by personal and political reasoning. These we must discard if we honestly believe that every person in our country is entitled to a fair opportunity to make a living. The suggestion has often been made that this bill strikes at the South. Nothing is further from the truth. It strikes at no particular section of the country. We have found in going over the records in the Labor Department that prior to 1933 in one industry alone, the shirt industry, nine States—New York, Delaware, Maryland, Pennsylvania, Massachusetts, Connecticut, New Jersey, Missouri, and Indiana—a large number of the workers were receiving less than 19 cents an hour. I could give you many other illustrations but time will not permit.

The reasons for establishing fair labor standards are well known to all of us. First, the legislation is based on the promise made to the workers of the country at the Democratic convention in Philadelphia in 1936. This promise is included in our party platform, with which all Democrats are familiar. It is intended to protect employees who are not protected by collective-bargaining agreements. The bill, if enacted, will in no way interfere with the program of collective bargaining. This, because of many misrepresentations I have heard, I cannot stress enough. Like State minimum wage laws, it aims to establish only the basic wage and hour levels. It does not attempt to standardize the pay of workers with special skills and long experience. Such workers are equipped to establish their own terms of employment. This bill does not apply to them. To make doubly certain that collective-bargaining agreements are protected, we have written into the bill at the suggestion of the American Federation of Labor several amendments dealing with this subject which, I feel, protect the worker adequately.

We have also protected the employer, realizing that our problem is not solely that of labor but necessarily that of industry as well. Therefore we have tried to safeguard the employer in one State in which State labor laws operate and who insures to his workers a living wage and reasonable hours, against the employer in another State who takes advantage of the fair employer because he is not bound by any State law nor by a worker's agreement as to the amount of wages to be paid. He has, because of the very absence of legislation such as this I bring before you, been allowed to compete in the same American market with the employer who employs no child labor and who lives up to the prescribed labor laws of his State. Obviously this is unfair to the honest employer.

Then we come to the man who may be either of the above-mentioned groups but who assumes new duties and obligations in the role of consumer. He is protected in this bill because whether or not he is aware of it, he is helping to support, through taxation and through charity, the workers whose wages will not meet bare living costs and whose health is depleted through long hours of work and undernourishment, causing them to become a liability on their

communities. This bill will eventually decrease unemployment if the employers of the country will face the issue in a practical manner and cooperate by spreading their work over a greater number. And obviously the bill will reduce relief costs because communities will not be called upon to feed and clothe people who, because of starvation wages, cannot make ends meet.

These are some of the reasons why it is necessary to establish fair-labor standards in industry in interstate commerce.

With regard to the legality of this bill I would refer you to the statement of Mr. Robert Jackson, Assistant Attorney General, in the hearings held before the joint committee. You will find this testimony on page 1, part 1, of the printed hearings. I could add nothing to that and would recommend that you read it.

You are all familiar with the purposes of the bill in their broad aspect. I shall, therefore, enumerate them without going too deeply into the details at this time. They are, to prohibit the shipment in interstate commerce of goods in the production of which employees worked under substandard labor conditions. Substandard labor conditions are defined in the bill. They are conditions under which first an employee would work for less than the minimum wage set forth by an order, or second, conditions under which an employee would work longer than the number of hours set forth in the order. And last, by no means least, goods produced at the cost of the ruined lives of American children are definitely banned from the channels of interstate commerce. There are, of course, many exemptions in the bill to prevent unnecessary dislocation of business. These exemptions are set forth and are principally concerned with the production of perishable goods and the employment of handicapped persons, learners, and apprentices. The reasons for their exemption are obvious. Collective-bargaining agreements, as I have already stated, are protected.

As you know, S. 2475 placed the administration in the hands of a five-man board. This met with great objection not only from many Members of Congress but also from labor, industry, and the general public. The objection usually was based on the fact that we had too many boards now operating outside of departments already established for the purpose of carrying on the functions of government, and the granting of too much power to men outside direct governmental supervision. Many Members of Congress assured me that they would sign the petition discharging the Rules Committee if the administration was placed in the Department of Labor. Others objected to placing the power in the hands of the Secretary of Labor. To meet both these suggestions your committee agreed to amend the bill and provided for an administrator to be named by the President and confirmed by the Senate. In order to protect employers, employees, and the public we have followed the lines of minimum-wage administrations in several States and now functioning very satisfactorily right here in the District of Columbia. In simple language this is the set-up of the amendment about which there seems to exist so much confusion.

Your committee proposes to place the administration of the act in a single administrator appointed by the President. A Division of Wages and Hours, of which he will be the head, will be created within the Department of Labor so that full advantage may be taken of the fact-finding facilities and information gathered through the years by that Department.

It is not the intention of this amendment, or of the bill, to start fixing wages in all industries but only in those in which oppressive wages are being paid to a substantial portion of workers and then only after a wage and hour committee representing employers, employees and the consumer has been appointed by the administrator and gone into existing conditions thoroughly. They then submit their recommendation to the administrator, who, if he is convinced that the committee has taken into consideration all factors set forth in the bill, and if he agrees that it conforms to public policy, then orders a hearing held. At this hearing any person included in the industry under scrutiny may present testimony. The record of this hearing is then presented to the administrator and he reviews it in the light of the recommendation of the committee. If he finds that no new testimony has been presented that materially alters the situation he issues an order for that industry. If, however, he finds that the hearing has brought to light any new evidence on conditions in the industry not taken into consideration previously by the committee, he may send it back to the committee for further consideration. The minimum-wage or maximum-hour standards are not fixed until after there has been an investigation and a determination that conditions warrant such action. This is nothing new. It is a procedure that has been thoroughly tested and found practical and fair. It is the procedure now followed in 22 States that have minimum-wage laws.

The part of the bill that appeals to me perhaps more than any other is that dealing with child labor. Let no Member of this House believe that there is no longer a need for legal standards to protect young children from harmful employment. Under the N. R. A. there was an elimination of child labor but since that time the reports of the Children's Bureau reveal that the number of children under 16 years of age going to work during the last 6 months of 1936 increased almost 50 percent over the last six months of 1935 in those States where the minimum-age standards had not been raised in 1936. Presumably it is true that that percentage is now much higher. Time will not permit me to go deeply into this very human problem. It will be dealt with in more detail as the bill proceeds by able men who have made a study of this question. All I wish to emphasize now is that the child-labor provisions of this bill will establish reasonable standards for the protection of the Nation's children and provide for administrative controls which will strengthen State programs. If we really mean what we say when we claim we want the best for our children we now have the opportunity to prove it by enacting this bill into law.

Surrounding this legislation are many forces. Not in all my years in Congress has there ever been a bill subjected to so many false charges and statements as has this bill. Propaganda has reached its perfection. Paid lobbyists are all over the corridors of the Capitol. One group tries to intimidate Members by insisting that factories in their district will close if the bill becomes law. Another group suggests that labor is against it, when as a matter of fact much of the bill has been recommended by labor. Another group will tell you it is a renewal of the N. R. A., as though that were some bugaboo held up to scare children. However, because I have heard it so often and because some Members consider it the most serious indictment, I believe it is worthy of explanation. I have therefore made a short analysis of the features of N. R. A. and compared them with the bill before you.

My findings reveal that it differs from the N. R. A. in policy, administration, operation, and effect. As you will recall, the N. R. A. was intended to put people back to work through the medium of minimum wages and maximum hours for all classes of employees, all types of industries, and without limit as to the minimum or the maximum. The bill under consideration now applies only to employees working in industries having widespread oppressive and substandard labor conditions. The N. R. A. dealt with trade practices among employers. This bill does not. The N. R. A. fixed prices. This bill does not. The N. R. A. controlled production and suspended the antitrust laws. No such plan is found here. Under the Blue Eagle, industry was permitted to "write its own ticket," fix what it thought should be the minimum wage and the maximum hours, sponsor its own codes, and declare what it though unfair. Labor had no participation therein. Under the present labor bill no action can be taken unless instituted by the Government. Such action must be based upon investigations and evidence that oppressive labor conditions exist. No attempt is made to blanket American industry. Labor has equal representation with employers on the fact-finding committees provided for the determination of wages and hours.

The public, consumer, and governmental interests had no voice in the drafting of N. R. A. codes. This bill gives consumer and public interests a vote and substantial representation and provides that the Government shall conduct the deliberations leading to the fixing of wages and hours.

The administration of N. R. A. codes was vested in committees composed of employers who had no governmental connection. Labor and the Government had no voice. The wage and hour bill provides for administration of the law by an administrator subject to appointment by the President, approval of the Senate, and further subject to legislative declarations fixed by Congress. Industrial associations and chambers of commerce exercised great power without any governmental approval under the N. R. A. Such organizations under this bill have no vote unless the Government recognizes their interest in the industry and approves it by appointment of a representative to a fact-finding committee. Members of industry were obliged, through the vehicle of codes, to contribute financial support to the activities of these industrial committees. This bill puts no such assessment on employers. The N. R. A. set up means of boycott in the form of Blue Eagle posters and labels. No such practice is permitted under this bill. The N. R. A. permitted employers to conduct their own star-chamber proceedings under the guise of liquidated damage agreements having the force and effect of law. No such monopolistic practices can be had under this bill.

The N. R. A., under section 7 (A) of its act gave lip service to collective bargaining and the rights of employees thereunder. This bill recognizes the rights of labor unions, the principles of collective bargaining, the presumptive value of prevailing wage rates, and the indicative force of collective agreements.

The conduct of hearings and operations of the administration under the N. R. A. often found principles of due process subject to administrative whimsy. You will find in the wage and hour bill specific congressional declarations as to the method of conducting hearings and requirements so that interested parties may have notice. The little man, the big man, the employers, and employees from all parts of the country can know about and have an opportunity to participate in the determinations of minimum wages and maximum hours.

The N. R. A. was enacted during the very bottom of the depression. Its principles were advertised, publicized, and ballyhooed throughout the country. Speedy and hasty action resulted. Industries far removed from the channels of interstate commerce submitted codes as a patriotic display. The enactment of the present wage and hour bill is founded on the principles of decent living conditions. The needs and necessities of undue haste are not present. The bill as reported requires mandatory investigation and caution. No inducement or ballyhoo is indicated. The bill is a step, a cautious step, toward the removal of oppressive wage and hour conditions.

The law creating the N. R. A. contained general statements of its broad purpose. The power conferred upon the Administrator and the resultant industrial committees resulted in the Supreme Court's pronouncement that there had been unlawful delegation of power. This bill has been drafted in the light of those experiences, those mistakes, and, in the opinion of the committee, within the principles of the Supreme Court's ruling. Standards, definite, embracing, and in recognition of the interests of employers and employees, based upon considerations of geographical, industrial, and public considerations, are specifically set forth in the bill, and it should be noted that the powers conferred upon the Administrator are limited to these standards with the additional requirement that no labor standard order should unduly disrupt the ordinary conduct of American business.

This bill does not attempt to put the clamp of Federal regulation on local business. Such activities remain within the protection of the laws of the several States. The bill, however, invokes the power of Congress on constitutional grounds to prohibit the transportation of goods in interstate commerce which have been produced under substandard labor conditions. An exercise of this power is well exemplified by the Federal statute, held constitutional by the Supreme Court, prohibiting the movement of prison-made goods across State lines. Another constitutional power invoked by the bill is the one to regulate competition in interstate commerce. The exercise of this power by Congress has long been recognized, dating back to 1890 when antitrust laws were enacted, and if Congress can regulate competition whereby unfair advantages are obtained through price manipulation and other practices, it would seem to follow that wages and hours of work, which are an important component of price structure, render a competitive advantage which, if unfair, warrants the invocation of this congressional power. In addition, the bill invokes the power of Congress as declared constitutional in the Supreme Court's decision in the Shreveport case, to protect an interstate shipper against the unfair competition of an intrastate competitor. This doctrine of constitutional law has never affected the local businessman, has applied only in those cases where the activities of local business seriously and directly affect the interstate shipper. The application of this law as set forth would affect only those agencies of business which are now subject to Federal regulation, and it should be noted that the bill specifically requires a finding by the Administrator that actual Federal jurisdiction exists.

Finally, and in conclusion, I would say that we are confronted in our consideration of this problem with two distinct schools of thought.

There are people who do not want any kind of a bill, and those who really believe, as I do, that something must be done to help the 12,000,000 workers of America who live in conditions under which you would not permit your pet dog to live. Differences of opinion are natural. Honest differences of opinion I respect, but differences based only on selfish considerations are unworthy of us and the high office to which we have been elected. Some Members have told me that the passage of this bill will mean their defeat. I cannot believe that. I have too much faith in God to believe that your vote to help suffering humanity will cause your defeat. If such a thing could happen, then, indeed, we are on the way to communism and even worse. A country that will not heed the cry of the masses of underprivileged will perish in the fire it has helped to kindle. And so I say to you, my fellow Members of Congress, consider well the purposes of this bill and do not permit yourselves to be swayed by fears and misrepresentations. I would that I had the ability of the beloved former leader of this Labor Committee, whose untimely death deprived us in the House of a real friend and the poor workers of the Nation of the greatest ally the underprivileged has ever had. I appeal to you to vote for this bill. It may not contain everything you desire but it is a step in the right direction. It is establishing the principle of an equal opportunity to all men to make a decent living. It does destroy sweatshop labor in interstate commerce. It does destroy the power of the chiseler over the honest employer. It does give the children of the Nation, upon whom our country shall depend tomorrow, an opportunity to develop properly. And, more important than all other considerations, it shall give to the 12,000,000 underprivileged inarticulate people of this country hope and courage. Those men and women have suffered almost beyond endurance. There is, thank God, not given to us the power to imagine the tragic submission with which these human beings would be forced to endure longer, conditions under which they have barely existed. How can we shut the door on the first glimmer of light they have ever seen? How can we condemn the children of America to a youth made old by starvation and misery? I beg you to deal with this bill with the help and understanding that comes from God alone and as you would have Him deal with you.

If you do this, I have no doubt the bill will be passed. At least it will be a step in the right direction. The time may come when we shall come before the House seeking to amend the bill. We may find we have made mistakes, and we shall then be pleased to acknowledge our mistakes and seek to amend the bill; but let us get together and decide on passing

this bill in order to give relief to the millions of underprivileged people in this country whose only hope is in us. [Applause.]

Mr. WELCH. Mr. Chairman, one of the primary purposes of this extra session of Congress was to pass what is known as a wage and hour bill to help underpaid men and women in this country.

I am absolutely in accord with this purpose. There are thousands of men and women who are working in industries for starvation wages. I refer particularly to the textile industry.

Shortly before the enactment of the Walsh-Healey Act a Connecticut firm was awarded a contract by the Navy Department to make a large number of caps. The women employed in this factory received $4 per week. Last spring, so I have been told, there was a strike in a pants factory here in Washington, the factory being located in this section of the city. The women employed in this industry were receiving $5 per week and were working 9 and 10 hours per day. These are only a few of many cases brought to the attention of the Labor Committee during the long and exhaustive hearings before the joint committee of the Senate and House on the wage and hour bill and on the House textile bill.

Mr. Chairman, I have been a member of the Labor Committee since I have been in Congress, or since the sixty-ninth session. During all these years covering three different administrations, the wishes of the representatives of labor have been considered with reference to labor legislation. It has recently developed that the American Federation of Labor is unalterably opposed to this bill under consideration in its present form, and I have been told the C. I. O. is opposed to the administrative provisions of this bill. As a minority member of the Labor Committee, I took a minor part in its preparation and for which I do not shirk responsibility. The committee, through its chairman, will offer an amendment to the bill, changing the enforcement of this bill from a board to an administrator under the Department of Labor. The American Federation of Labor considers this change as jumping from the "frying pan into the fire" and is opposed to the amendment. The American Federation of Labor has submitted a proposal or a bill as a substitute for the pending bill, such a bill has been introduced by the gentleman from California [Mr. DOCKWEILER]. In my judgment it is a vast improvement of the bill under consideration, and if given an opportunity, under the rules of this House, I shall most certainly vote for it.

Legislation relative to hours and wages of the underpaid thousands in this country should not be regarded as a partisan or sectional matter. It is absolutely humanitarian. [Applause.]

Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. HARTLEY].

Mr. HARTLEY. Mr. Chairman, there have not been many times during my five terms here that I have taken the opportunity, and may I add, had the honor, to address this body. I therefore ask your indulgence today to speak in opposition to the measure under consideration.

I regret I cannot agree with my chairman and distinguished colleague from New Jersey on this measure. I concede to the proponents of this proposal the utmost sincerity of purpose, the highest of idealism, and the best of intentions. They seek to put an end to the sweatshop and to stop the exploitation of labor, as soon as possible; but who is there among us who does not want to see this accomplished? There is not a Member of this body worthy of the honor of being a Member of the Congress who does not want to better the conditions of the underprivileged of our country. Therefore, there is no dispute as to the worthiness of the objectives of this proposal.

There is, however, great difference of opinion as to the results to be obtained by it. The leadership of the American Federation of Labor wisely recognizes that the passage of this bill may easily sound the death knell of the organized labor movement in the United States, for what will be the incentive to join a union if the Government is going to set wages and hours and other conditions of employment, and who is there who contends that labor's interests will be in better hands in the hands of the bureaucrats and politicians——

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. When I complete this sentence, if you please.

Who is there that contends that labor's interests will be better safeguarded in the hands of the bureaucrats and politicians than in the hands of its recognized leaders operating under the principles of collective bargaining?

I now yield to the gentleman from Connecticut.

Mr. PHILLIPS. Does the gentleman maintain that there is no more to be accomplished by labor than to get people $16 a week?

Mr. HARTLEY. Labor will get better wages than $16 a week and far sooner under collective bargaining than they will under this bill, and make no mistake about that. [Applause.]

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. I yield to my colleague on the committee.

Mr. CURLEY. But there is nothing in the proposed bill that has anything whatever to do with collective bargaining. This bill has nothing whatever to do with that. It has to do with the type of labor below the grade of labor that organized labor can control.

Mr. HARTLEY. That is quite true; but I still contend the minute you give the Federal Government the authority to set wages and hours and establish conditions of employment you destroy the labor movement; and do not forget—as a matter of fact, the gentleman, being a member of the committee, knows—that those who sponsored this bill in the very beginning wanted to raise the authority to 70 cents an hour and to reduce the hours to 35 hours a week, and if this bill is passed that is certainly going to be the objective in a year or two.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. I yield to my colleague.

Mr. GRISWOLD. I may suggest for the benefit of the gentleman from Connecticut [Mr. PHILLIPS] that under this bill labor certainly is not guaranteed $16 a week. Under this bill labor is prohibited by order of the board from getting more than $16 a week but may receive much less.

Mr. HARTLEY. The gentleman is absolutely correct.

Mr. CITRON. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. I yield.

Mr. CITRON. Do I understand the assertion of the gentleman from Indiana [Mr. GRISWOLD] is that under this bill labor is prohibited from getting more than $16 per week?

Mr. GRISWOLD. By order of the board or the administrator.

Mr. CITRON. I do not think the gentleman's statement is correct. Nothing in the bill provides this. The mere fact that the jurisdiction of the board is limited to the underprivileged does not mean that manufacturers cannot pay more than 40 cents per hour.

Mr. HARTLEY. I cannot yield further, Mr. Chairman.

Mr. Green, the president of the A. F. of L., recognizing the many complications in this legislation—and all you have to do is to look at the bill to see those complications—and in the light of changes that took place, changes, as he said, "in the economic life of labor and the Nation" between the time this bill was first introduced and finally reported out of committee, urged that the bill might be recommitted to the Labor Committee, where hearings might be held and the subject properly explored—something that has not been done up to the moment.

Let us take a good look at this legislative orphan. The chairman of the committee admits that no one knows who are its parents. Look through its pages. Imagine a bill of this size, 63 pages, 24 sections, innumerable subsections, vitally affecting the economic life of the country being jammed through Congress without public hearings. There have been no public hearings on this particular bill.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. Yes.

Mr. CRAWFORD. Are the remarks the gentleman is addressing to us directed at this bill as it is now presented, or at the other bill? Some of us are not straight on that, and I certainly am not straight on that.

Mr. HARTLEY. Frankly, I do not understand whether we are considering this particular bill here or a bill to provide for a board of five. All I know is that either bill is iniquitous.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. Yes.

Mr. DUNN. Is it not a fact that the Labor Committee adopted amendments which Mr. Green offered, and is it not a fact also that those amendments are in the present bill?

Mr. HARTLEY. Those amendments are in the bill which I believe we have now before the committee, and it will be amended so as to put the administration in the Department of Labor; yes.

Mr. DUNN. That is the point I want to make. It has been said the American Federation of Labor is opposed to this legislation. Nevertheless, as the gentleman will remember, we held a joint meeting, and both Mr. Lewis and Mr. Green maintained—I asked the question and a lot of others did, too—that they were in favor of this legislation. When the bill came back to the House, it was not the same; so, therefore, we members of the Labor Committee took Mr. Green's amendments and unanimously voted them into this present bill. Is not that right?

Mr. HARTLEY. Yes; that is right.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. Mr. Chairman, I yield.

Mr. DOCKWEILER. Has the gentleman had an opportunity to read my bill, introduced a few days ago, a bill following the American Federation of Labor's endorsed plan? Is the gentleman prepared to state his views as to that bill?

Mr. HARTLEY. I should be glad to answer the gentleman. I shall vote for that bill in preference to this. In fact, I would vote for almost anything in preference to this.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. WELCH. Mr. Chairman, I yield 5 minutes more to the gentleman from New Jersey.

Mr. HARTLEY. As I was about to say before those other speeches were started, let us take a look at this legislative orphan. Do you recognize it? I call it an orphan advisedly, for although we have tried, we have not been able to learn who are its parents. These sponsors, unknown, evidently visited the taxidermist, and there took from the dust-covered shelf the old Blue Eagle, plucked its price-fixing feather, and handed to labor this old bird stuffed with sawdust for labor's Christmas dinner.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. Yes.

Mr. WOOD. The gentleman is a member of the Committee on Labor. Did he not vote for most of the amendments now in the bill?

Mr. HARTLEY. I voted for some of the amendments to the bill, but the substantial amendments that I am criticizing I did not vote for.

Mr. WOOD. The gentleman is as much responsible as any other member of the Labor Committee for this bill being in existence.

Mr. HARTLEY. Oh, do not charge me with being the father of this child.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. HARTLEY. Yes.

Mr. O'MALLEY. I wonder if the gentleman could suggest to us just what type of wage and hour bill he would be in favor of.

Mr. HARTLEY. I would be very glad to discuss that. As a matter of fact, I do not believe any of us have thoroughly enough studied this question to bring before Congress a real workable bill. We all have tried suggestions. I have introduced a wage and hour bill, and a goodly percentage of the Members of Congress have introduced similar bills, but I don't believe the question of governmental regulation of wages and hours has been thoroughly explored.

Mr. O'MALLEY. How long does the gentleman think we should explore it, after many of the States have such laws now?

Mr. HARTLEY. I think it should be explored properly.

Mr. O'MALLEY. How long?

Mr. HARTLEY. Just as long as it will take to do it properly.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Are we ever to learn from experience? Old N. R. A. proved that when we establish a minimum wage, that minimum becomes the maximum in the great majority of cases. The present so-called business recession has already seriously weakened our wage structure. Are we now going to provide legislative excuse for further reduction?

Mr. HARTLEY. I am sorry. It is not because I do not want to, it is because I do not have the time.

It is interesting to note that farm labor is excluded from the alleged benefits of this humanitarian measure. If it is good for the industrial worker, why is it not good for the farm worker? Those low-paid, long-houred tillers of the soil who constitute a large part of our population who are ill-fed, ill-clothed, and ill-housed are denied the so-called benefits, while it raises the cost of everything they have got to buy. Is that the kind of a Christmas present you representatives of the farm districts want to take home to your constituents?

If I wanted to help promote monopoly, I would vote for this bill. It will do more in that direction and to centralize industry, build up industrial dynasties than if we were to repeal the Sherman and Clayton Acts.

This bill does not affect the great, big, highly mechanized industries. Most of them are already operating under conditions that are within the provisions of the act. That is why you have not heard so many protests from big business. The ones you hurt by this bill are the little fellows—those who are still largely relying upon hand labor.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. WELCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HARTLEY. The small businesses that are the lifeblood of many hamlets and villages, not alone in the South but throughout the United States, are the industries that are going to be hurt by this bill. You give them a choice of doing one of two things—either they substitute labor-saving machinery for other hand labor or they go out of business. After what you have done to them with your tax on undistributed earnings, you leave no other course for them except to go out of business, but, regardless of the result, labor is going to suffer. It is an unenviable position that the supporters of this bill find themselves in—those friends of labor supporting a bill to promote monopoly and the use of labor-saving machinery. Innocently you are perpetrating a cruel hoax upon thousands of workers in department stores and 5- and 10-cent stores and other purely intrastate businesses who expect a pay raise through this bill, but who are, of course, outside its reach. Even those in interstate commerce and included in the bill's provisions are being deceived. The real wages cannot be raised by Government fiat.

If we want to help labor, there is a way to do it—and that is to give encouragement to those who fill the pay envelopes of the workers of this country every week; and, while you are at it, it would not do any harm if you passed on a little of that encouragement to those taxpayers and investors in Government bonds who have kept us going through the depression.

If the time we have spent here in status quo had been used to repeal the nefarious tax on undistributed earnings and to give assurrance to business that Congress and the Govern-

ment would tend to its own knitting, our labor problems would be far nearer solution.

In the interest of labor and the economic welfare of all of our people, I say this bill should be defeated. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HARTLEY] has expired.

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Because of the limited amount of time which I have at my disposal, I would rather not yield.

Mr. Chairman, too long in this Nation there has existed for a large proportion of our industrial population the crucifixion of this type of laborer upon the cross of long hours, short pay, and sweatshop working conditions.

In compliance with the pledge made to the working people of the United States in the Democratic platform of 1936, the administration is now concerning itself with the enacting into law of the Black-Connery Fair Labor Standards Act, which will be another great step forward for the cause of labor.

The workers' right to collective bargaining and self-organization without interference is already a part of the law of this country, and, as a further program of social and industrial legislation, Congress is now engaged in establishing for that class of workers who stand in need of them decent working conditions with respect to hours and wages. To this end the Black-Connery Fair Labor Standards Act is before us with the sole purpose and aim of raising existing wages in the lower wage groups so as to attain as rapidly as possible and practicable a minimum wage of 40 cents an hour and a maximum workweek of not more than 40 hours.

Briefly, this forward step in the advancement of the cause of labor is an honest and sincere attempt to control unfair labor practices through congressional power which is within the commerce clause of the Constitution. The recent trend of judicial decisions establishing the power of Congress to legislate on our most basic national problems opens the way for achieving success in legislative attempts to abolish child labor, oppressive wages, and overlong hours of labor.

The Fair Labor Standards Act, which has been expressly framed in answer to President Roosevelt's declaration that the time has come "to extend the frontiers of social progress", consists of three main provisions:

First. Creation of a fair labor standards board or administrator charged with the application of the provisions of the bill to the industries which come within its scope.

Second. Granting of power to fix wage and hour standards within the limits set by the Congress with the general aim of minimum wages of not less than 40 cents an hour and a maximum workweek of not more than 40 hours.

Third. Prohibition of oppressive child labor. By specific provision, employees in agriculture and other stated industries are exempt from the standards of the bill and due discretion is allowed to make exemptions which circumstances peculiar to certain industries and certain types of employees will require.

The objective of the Black-Connery measure is to insure to the lowest and poorest paid wage earner in this Nation his right to the enjoyment of a fair standard of living. The bill is not, contrary to the belief of some, an attempt at Federal regimentation of industry. It is not concerned with that fortunate majority of the laboring classes whose collective bargaining power is sufficiently potent to insure the preservation of their industrial rights.

But it is concerned with those millions in industry who are unprotected and unorganized. For that class of workers the machinery of the Federal Government will be put into motion to study their plight, consider their circumstances, and then seek to provide for them fair and reasonable standards by which they will be enabled to assume their proper place in life. It will provide for the elimination of the substandard factors of wages and hours which in many instances threaten to ruin the possibility of ever attaining the industrial economic level necessary to maintain a decent American standard of living. It will result in a more even distribution of that prosperity which accompanies an industrial peace and democracy wherein each worker shall be assured of his fundamental right to receive a fair recompense for a fair week's work.

The wage and hour legislation which this bill proposes to effect, aside from its social and humanitarian aspects, is vital to the economic stability of our Nation. It is important to both employer and employee. To the employee its economic effects will be felt in an increased purchasing power, in the absorption of unemployed into private industry, and in standard working conditions more in accord with the American ideal. To the employer it will mean an end of the injustices arising out of widely diverse labor practices, a termination of destructive competitive practices and an end to the abuse of the channels of interstate commerce for selfish advantages on the part of substandard manufacturers and producers. The Black-Connery Act is aimed and directed at the abolition of these defects within the economic structure of the Nation and thereby provide a bulwark for the maintenance of real and enduring economic stability.

The sponsors of this legislation are under no illusions in their honest effort to provide economic security for the working people of this Nation. Untiring energy has been utilized in order that the problem would be met in the best and most effective way open to those of us who worked to perfect it. It is significant that, with all the criticism and abuse directed at the measure, no other adequate or satisfactory solution of the problem was proposed or suggested. That is why the Fair Labor Standards Act, in my sincere opinion, merits the support and encouragement of every thinking American who has the interest and welfare of the laboring classes of America at heart, because it is a step in the right direction. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 1 additional minute to the gentleman from West Virginia.

Mr. RANDOLPH. Mr. Chairman, those of us who believe in this legislation do not want to cripple industry; we want to heal the wounds of the industrial body as they see it today. Those of us who believe in this bill do not want to kill business; we desire to give it a more sustained life. We who believe in this measure do not want to tear down the structure of our industrial life; we want to rebuild it on a firmer foundation. Certainly, an honest attempt is being made here to bring about a change from huts and hovels to happy homes in this country, to bring about a change from dreadful drudgery to hours of happy toil, to bring added security and happiness for an estimated 12,000,000 working Americans who today exist on the ragged edges of life. [Applause.]

[Here the gavel fell.]

Mr. PHILLIPS. Mr. Chairman, I wonder if the gentleman could not have 60 seconds in which to answer a technical question on the bill.

The CHAIRMAN. The Chair will state that the time is under the control of the gentlewoman from New Jersey and the gentleman from California.

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I think it is unfortunate that this type of legislation has to be brought up for consideration in the midst of a serious Government-made depression. The principle involved, however, remains the same.

I voted to discharge the committee today in order that the House might have a fair opportunity to consider this legislation. I am not in favor of the pending bill, which creates a board of five to control hours and wages throughout the Nation.

Mr. SIROVICH. One.

Mr. FISH. I think the gentleman is mistaken. The Committee on Labor expects to propose an amendment substituting the Department of Labor as a board of one. I am wholeheartedly in favor of the American Federation of Labor bill as submitted by Mr. William Green, the president of that organization, which by legislation, and legislation alone, sets up minimum wage standards and maximum hours for labor. I believe the time has come to stop creating more bureaucracies, to cease creating more boards and administrative

agencies, and, above all, not to give more power to the President and concentrate power in the Executive over labor and business. I believe the time has definitely come to take away some of the powers that Congress has already conferred on the President and restore representative and constitutional government. Feeling very strongly along these lines, I am absolutely opposed to legislation that creates more boards or commissions or puts the control of wages and hours under some Cabinet officer to administer. If we propose to legislate for the benefit of our wage earners, let us legislate. That is our duty; that is what we are here to do; and we ought to be able to write sound and constructive legislation. If the Green amendment suggested by the President of the American Federation of Labor is not sound, if it is not right, if it is not helpful, then let us change it and write a bill that will provide a square deal for our underpaid wage earners. I want to prevent the exploitation of American labor, and especially that of women and children, by sweatshop wages and hours in our factories, shops, and mines. I want to join with those Members of the House, Republicans and Democrats alike, who believe in social and industrial justice, who believe with Lincoln that labor is prior to capital and that human rights are superior to property rights, who want to prevent the exploitation of American labor by low wage scales, by sweated labor, and by long hours. If any country is worth living in it is our own. But how can it be worth living in if more than one-third of our wage earners live on wages that are inadequate and do not provide sufficient pay to properly feed their families, to house them, to clothe them, and to give them a fair chance in life?

This wages-and-hours bill should have been considered by Congress years ago and been enacted into law long ago. Why should one-third of our American citizens be undernourished, be underfed, be underclothed, and ill-housed in the greatest and the richest country in the world? Why should one-third of our wage earners be crucified upon a cross of economic slavery and bondage and be exploited by human chiselers, vultures, and bloodsuckers for profit at the expense of their health, happiness, and lives?

Mr. Chairman, it is difficult to talk on this bill in a limited time, for one has to cover numerous phases and ramifications of this wage and hour issue. I am fearful, however, that there is one phase that has not been raised and that may not be raised. How can you enact this kind of legislation, having for its definite and proper purpose the raising the standard of wages for millions of Americans who are getting inadequate wages today without bringing them into direct competition with the cheap labor of Europe or with the sweated goods of Europe which will flow into our markets? There is a corollary that must go with this type of legislation that is unescapable and unavoidable.

I propose to vote for the Green amendment. I believe in it thoroughly, but when I vote for it I want to vote for it with my eyes open. I know that immediately that kind of legislation is adopted it means that Europe and Asia will dump into this country millions and millions of dollars worth of goods produced by their pauperized labor to replace the goods produced by labor in this country whose wages we are about to raise artificially by an act of Congress. There is only one answer to it, I say to you Democrats; not one that is very palatable to you with your political philosophy and ideology tainted with free trade and your tendencies for mutual exchange of goods. There is only one answer to it: When you adopt this legislation you will have to write adequate tariff protection for our wage earners to prevent millions and millions of dollars' worth of foreign-made goods flooding this country to replace the commodities produced by our labor paid a nonliving wage which you now propose rightly to adjust.

You can not crucify American labor on a cross made of the sweated labor of Europe and the cheap goods produced in Europe and Asia which will be the result and the immediate result of the wage and hour legislation without adequate tariff protection. That is why I said at the outset that I deplore the fact that in the midst of a serious depression we have to consider this type of legislation because temporarily it will tend to increase unemployment.

It will mean, of course, that many wage earners will lose their jobs and that many of our industries will not be able to compete with foreign industries and their low wage scales until they have adequate tariff protection. Thousands, tens of thousands, and maybe even more, of our wage earners will lose their jobs temporarily; but I believe in the legislation because I believe that if there is any country, as I said before, worth living in it is our own, and that we must have adequate American standards of wages and living if we are to take care of the one-third of our people who are now ill-fed, ill-housed, and ill-clothed. I no not propose to condemn by my vote a large part of our wage earners to perpetual poverty, squalor, undernourishment, and destitution.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. CURLEY. The gentleman says he is very much against this bill, but I call the gentleman's attention to page 30 of the bill whereon it is provided that when the Administrator finds that imports are greater than normal he shall have the right to call the attention of the President to this fact in order to change the tariff.

Mr. FISH. Is the gentleman agreeing with me that it will be necessary to change the tariff rates and schedules?

Mr. CURLEY. No. I was talking in the mood in which the gentleman was talking.

There is the possibility.

Mr. FISH. I did not say anything about a possibility. I say that it is an absolute necessity to provide ample protection. You cannot vote for this bill without knowing it must follow immediately afterward.

Mr. CURLEY. You have your relief right in this bill.

Mr. FISH. As I stated, I am not for either the Senate or Committee bill. I am for the Green proposal, establishing by legislation a 40-hour week as a maximum and 40 cents an hour as a minimum living wage. I believe in a living wage of not less than $16 a week in order to maintain our American standard of wages and make America a place worth living in for all of our people. I believe the best way to combat socialism and communism is to provide a square deal for labor and social and industrial justice for all American wage earners.

I am opposed to the pending bill because I am opposed to further regimentation and control of labor and business and to the creation of more governmental bureaucracy.

Mr. CURLEY. Then the gentleman is speaking in generalities.

Mr. FISH. I am speaking against both the Committee and Senate bills and for the Green bill. I am against all the wage and hour bill that propose setting up governmental control over labor and business. The tariff section, mentioned by the gentleman from New York, is very vague and ambiguous and would not be of much help.

Mr. CURLEY. Will the gentleman be specific?

Mr. FISH. It is true that the Green bill does not include the tariff section. I am perfectly willing, however, to incorporate the tariff section referred to into the Green bill and strengthen it, as it amounts to very little as now written. I am for the Green bill because I am for a government by law and not by executive orders and bureaucratic edicts. [Applause.]

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. Chairman, I am coming before my colleagues as a friend of wage and hour legislation, as one who was friendly to and fighting for wage and hour legislation in committees and on the floor of this House when some of those who now constitute themselves the self-appointed friends and spokesmen of labor were unheard of and unthought of as such. We have in this House a superlabor committee, not members of the Labor Committee, not present at the hearings on this bill, and who took no part in the deliberations of the committee but who have constantly endeavored to dictate to the committee as the possessors of all

knowledge and all rights in the enactment of wage and hour legislation. I was an advocate of wage and hour legislation under the old Connery bill during the Hoover administration, and I am still advocating the same principle that I advocated then, that principle being that labor legislation passed by Congress should establish a floor for wages and a ceiling for hours. That there should be no differentials between one section of the country and another or between one business and another. That the minimum wage for one should be the minimum wage for all. That if one is to be charged with the commission of a crime he has a right to know with certainty what constitutes the crime and not have such a crime designated by a board or an individual under conditions that would permit of making acts that were perfectly legitimate in one locality a crime in another locality.

In conformity with this principle, I introduced in the House H. R. 8580. It is a bill only 3 pages long; in contrast to the pending bill, which is 66 pages long. It eliminates all differentials. It describes with certainty and in specific terms the crime and fixes the penalty. It does not confuse the issues by setting up a costly bureaucracy for enforcement. It leaves the enforcement with the duly constituted authorities of government to enforce it as all other criminal laws are enforced.

The Black-Connery bill states in its preamble that the intent is to raise the wages of the underpaid and specifically states that many receive less than $5 a week. If that intent is to be carried out, then let us state by law what the wage shall be and force the wage up to that point by legal enactment and not by bureaucratic whim. I am not wedded to either the wages nor the hours as fixed in my bill. I am willing for Congress to amend my bill so as to make the wages and hours more or less to conform to what Congress believes should be the minimum wage and maximum hours. But I do contend that under the pending Black-Connery bill, and the amendments placed in the bill by the chairman, we are deceiving both capital and labor as to what this bill will accomplish. That this bill in reality fixes neither wages nor hours but is so drawn that it will leave the low-paid workers where they are today and give those industries in those sections that are now paying the lowest wage under the worst conditions an undue competitive advantage over other sections of the country, and that in the final analysis it will give to the low-paid sections a competitive advantage that will cause an exodus of industries from my State of Indiana and from other Northern and Central States to the South where they can obtain the advantages of low wages and long hours given them under the provisions of the Black-Connery bill.

The gentlewoman from New Jersey in her opening statement said she had mothered this child that was dropped on her doorstep—that it was without a father and she wished Congress to father it. I cannot believe that she really mothered it. If the gentlewoman from New Jersey had really mothered this child it would have had a different aspect from that which it has now.

Mrs. NORTON. I said I was the adopted mother.

Mr. GRISWOLD. This child here is a moron, and the gentlewoman has not really mothered one child. She has mothered four.

Mrs. NORTON. Will the gentleman yield?

Mr. GRISWOLD. I yield to the gentlewoman from New Jersey.

Mrs. NORTON. I explained I was the adopted mother, and the child is not a moron. He is a very bright child and is going to be brighter later on.

Mr. GRISWOLD. The gentlewoman will have to turn the klieg lights on it. That is the only way that any light will ever appear on the face of this illegitimate child, fathered in darkness and born in obscurity.

Mr. CULKIN. Will the gentleman yield?

Mr. GRISWOLD. I decline to yield.

Mr. Chairman, there is before us now for consideration a bill that was reported presumably on the 6th day of August by the Labor Committee, which bill went to the Rules Committee. On the basis of that bill you were requested to discharge the committee. Then on the 7th of December you had a new bill called "a confidential committee print." This contained the so-called Norton amendment, changing it from a board to the Department of Labor. This gained more signers for the petition but also put some signers in a bad position. On the 11th day of December you had another bill, called "a committee print." Tomorrow morning when you come onto the floor of the House you will have still another bill to consider. It will be the bill that the chairman will offer as a substitute for all the bills that were born before and became the last of the quadruplet children.

With this House and the Committee in such state of mind that during 4 months' time we have had four bills written by some superlabor committee—and no one knows what constitutes the personnel of that committee—how can you expect to have a workable, proper, consistent, and reasonable bill?

Some exception seems to have been taken to the statement I made a while ago. This is named a wage and hour bill, but it is not a wage and hour bill. As I heard the other night at the Gridiron Club, it is a "no-hours, no-week bill."

Here is what the bill says:

> The committee's jurisdiction to recommend labor standards shall not include the power to recommend minimum wages in excess of 40 cents an hour or a maximum workweek of less than 40 hours.

What does that mean? It means that these 12,000,000 people you are told about, which are in the subnormal wage group, cannot be raised beyond 40 cents an hour. It means when you reach the other sections of the bill they cannot even be raised to 40 cents an hour, because on page 22, section (g), you will find that these wages must be fixed under the quantum merit rule. They must be fixed according to the value-of-service rule. That mandatory provision is written right into this bill. These subnormal-wage people are now receiving $5 and $6 a week for their services. Under this rule covering reasonable value of services, you cannot raise them. Under section (g) you may have one employer on one street working under one scale of wages and one scale of hours, fixed by the board with a certificate of fair labor practices, and on the same street you may have another plant in the same industry with a different scale of wages and hours. That is what the bill does, and it is mandatory under section (g) that the administrator must fix wages and hours in that manner; and yet you name this a "fair labor practices act."

[Here the gavel fell.]

Mr. GRISWOLD. Will the gentleman on the minority side grant me additional time?

Mr. WELCH. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GRISWOLD. I thank the gentleman. That is more than you can get on this side in opposition to the dangerous and unjust provisions of the bill.

The bill provides, and this is mandatory, that the administrator must take into consideration "the differences in unit cost of manufacturing occasioned by varying natural local resources and operating conditions." As I stated, that is mandatory. The administrator must penalize the man who has the best operating conditions in his plant and must fix wages on that basis. Then, not being satisfied with the grant of differentials and inconsistencies in the bill, so that all might be covered, the Norton amendment provides further: "and other factors entering into the cost of production." Mr. Chairman, that is what we are getting in this bill. You are getting a vast mass of inconsistencies, glaring differentials, and destructive competition.

Mr. CURLEY. Will the gentleman yield?

Mr. GRISWOLD. I refuse to yield. You are getting a provision in this bill which will exempt cotton ginning, cotton storage as well as the processing of cottonseed; but you gentlemen from the Corn Belt do not get any provision in this bill which exempts the milling and storage of wheat and grain. You do not get an exemption for the processing of lard, or butter, or cheese; you do not get any exemption on the processing of soybeans, and this last year there were 459,000 acres of soybeans grown in my State for commercial purposes.

Mr. LUCAS. Will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Illinois.

Mr. LUCAS. Was the question of including an exemption which affected the corn section of the country discussed in committee?

Mr. GRISWOLD. It was.

Mr. LUCAS. Why was it you exempted one and did not exempt the other?

Mr. GRISWOLD. Because we had a lack of votes—that is all.

Mr. LUCAS. Is there any particular merit in exempting one and not exempting the other?

Mr. GRISWOLD. I may say to the gentleman there is no particular merit in exempting the article most pronouncedly and viciously competitive with the dairy farmer, the grain farmer, the stock farmer, and the hog farmer. There is no merit in it. I say to the men from the Corn and Hog Belt and from the grain and dairying territories that he who will not protect his own when this bill comes before the House is worse than an infidel.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Is it not also true that if you exempt cotton ginning, compressing, oil-mill operation, and work of that type, you virtually exempt the commercial industries of the South?

Mr. GRISWOLD. You do.

Mr. CRAWFORD. You would certainly do that, and their products compete with our corn products.

Mr. GRISWOLD. In such industries there are some of the lowest wages and the longest hours.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. May I call the gentleman's attention to the fact that cotton ginning is a seasonal occupation? They gin cotton only 3 or 4 months a year at the most.

Mr. GRISWOLD. You process cottonseed and you make oleomargarine and all the butter substitutes, and all the cooking compounds which are substituted for lard; and you make them 12 months out of the year and 30 days out of the month.

Mr. ZIMMERMAN. That is not a part of the ginning of cotton; it is an entirely separate and distinct industry.

Mr. GRISWOLD. They are all in the same class. If cotton is seasonal, then certainly corn and wheat are seasonal.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The best proof of what the gentleman has just stated is to refer to the operations of the cotton oil industry since the present crop has been on the market and see what the rendition is and what is ahead of them to be put through the mills in the future months.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from New York.

Mr. CULKIN. The gentleman spoke of dairying. Does the gentleman know they milk cows at 4:30 or 5 o'clock in the morning and then do not milk them again until the afternoon, so this bill cannot apply in justice to the dairying group?

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield to the gentleman from Michigan.

Mr. DONDERO. Does the gentleman understand that domestic services are exempted from this bill?

Mr. GRISWOLD. I do.

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, this is probably the worst time in the world to consider the passage of any national wage and hour legislation and the pending bill, or one based upon the same principles or philosophy, ought never to be seriously considered, to say nothing about enacting it into law. Business is already suffering from as bad a case of the jitters as it is possible for it to stand. The passage of the pending bill will only make confusion worse confounded. Congress should direct its attention toward the passage of legislation to remedy existing conditions instead of doing something to make them worse. Labor, in the Fifth Congressional District of Michigan, at least, is much more concerned at this particular time about getting a job that will enable it to make a decent living, and industry is more concerned about keeping its factories open and running at all, than in quibbling over the question of wages and hours. They both want to be left alone for a while.

The 10,000,000 unemployed in the country, who cannot get jobs under any condition, at any wage, or for any length of time, may well look upon the consideration of such legislation as this at this time as a hollow mockery. It will be time enough to pass a proper wage and hour law after jobs are found by, or industry has an opportunity to create or furnish jobs for, this great mass of unemployed.

There are factories in my district that are having a hard time maintaining a 20-hour-week schedule, or 4 hours a day for 5 days a week. They are not worried about being limited to 40 hours per week. They wish they could find enough business to keep them running as long as that.

No Federal wage and hour legislation should be passed without more consideration and study being given than has been given to the effect it will have, not alone on present conditions but upon business and opportunity for employment in the future as well.

In order to plan for the future, industry must be able to estimate with some reasonable degree of certainty what its costs are going to be and be relieved of the constant fear of persecution with which it is now suffering. It cannot tell what the policies of the Government are going to be from one day to another. It cannot tell how much it will have to pay in taxes next year or the year after or what the value of the money with which it is obliged to carry on its operations will be. It has been harassed already with labor troubles to the point of distraction.

This bill proposes to add to its troubles by giving power to fix wages and to determine the number of hours industry can operate to a bureaucracy here in Washington. It matters not whether that bureaucracy is the Labor Standards Board or an administrator in the Department of Labor under Mme. Perkins. Whoever it is, no industry will be able to tell what its labor costs will be or when the board or administrator will come around and clamp down on it. Under such conditions, it will be compelled more than ever to conduct its business on a day-to-day or hand-to-mouth basis. It is to be hoped that industry will be able to survive this additional burden, if it is compelled to do so, but why should Congress load it down further and subject it to the risks necessarily involved in compelling it to carry this additional load?

The American Federation of Labor, in the statement released by it a few days ago, voiced the sentiment of the country, I believe, when it declared:

> We are unalterably opposed to a complex system of Federal wage and hour regulations and their administration by a new Federal board, as contemplated by the Black-Connery bill. Labor, industry, and the public are fed up with Federal boards. We have had extremely disappointing and disillusioning experiences with the National Labor Board. Nor do we believe that the creation of a Federal Administrator with district wage boards under him will serve any purpose but to complicate and confuse enforcement of any wage and hour measure.

Again, Mr. Green, the president of the Federation, in a letter addressed to the Members of the House and received only Saturday, in commenting on the amendment to be offered by the chairman of the Committee on Labor to place the administration of the act in the Department of Labor instead of with the Labor Standards Board, says:

> It is inconceivable that Congress would vote to confer upon a single Government administrator such broad, definite, and comprehensive power.

And, as the analysis accompanying President Green's letter very properly points out:

All the objections which exist against the administration of the act by a board, and all the dangers inherent therein, exist in aggravated form under the set-up of the administrator.

In the language of our distinguished colleague, whose name it is not necessary to mention here:

Who wants the bill, anyway? Chairman NORTON wants it changed so that the Labor Standards Board would go under the Department of Labor. Secretary Perkins said at the White House that she has a lot of changes to suggest. Bill Green isn't satisfied with it. Probably John Lewis has some ideas.

I seem to be the only one who's for the bill.

I resent the statement that the wage-hour bill is locked up in the Rules Committee, in view of these circumstances.

The President's message, even, wasn't very enthusiastic about this legislation.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I am sorry; I do not have the time. I wish I did have.

Perhaps, in order to make the record complete, one should add to this statement of the distinguished Chairman of the Committee that the rule making it in order to call up this wage and hour legislation was never called up for consideration in the Committee on Rules. No representative of the Committee on Labor ever appeared before the Committee on Rules in its behalf. No hearings of any kind were ever held on it by the committee. No vote was ever taken on it in the Committee on Rules.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Michigan.

Mr. MICHENER. The statement the gentleman has just made is so important that if it is true I want to impress it upon the membership of the House, and if it is not true, I believe it should be reconsidered.

Mr. MAPES. It is true. There is no question about the facts.

Whatever the answer to the question of our friend may be, there are several questions which Congress itself should make an honest effort to answer, before rushing headlong into legislation of this importance.

How many employees will the legislation directly affect? By its terms it only applies to those engaged in working on goods shipped in interstate commerce, except certain provisions, which are undoubtedly unconstitutional, and the great mass of employees thus engaged would not be affected at all, except adversely as the legislation increases their cost of living and reduces their pay, as it will undoubtedly have a tendency to do.

The big employers of labor, whose products enter into interstate commerce, such as the steel and automobile corporations, and their employees, would not be materially affected by it for two reasons: First, because for all practical purposes they are now on a 40-hour week basis and pay as much, or more, than 40 cents an hour to the great majority of their employees. Second, because of the provision in the bill inserted by the Committee on Labor which exempts from its provisions all corporations and employees where collective-bargaining agreements have been entered into that cover a "substantial portion of the employees." This amendment of the Committee on Labor would make it impossible for those in the employ of a great many of such corporations to receive any benefits from the legislation, even though they are paid less than 40 cents an hour. I refer to that amendment which provides that the board can make an order affecting such employees only if the board finds, and I quote the language of the amendment.

That collective-bargaining agreements in respect to such minimum wages and maximum hours do not cover a substantial portion of the employees in such corporation.

Employees in retail establishments, including the big department and chain stores, as well as the small independent ones, are expressly exempted from the provisions of the bill, as are all agricultural labor, seamen, railroad employees, and others. Of course, they cannot escape being affected by the increased cost of living which the legislation will bring upon everyone.

To what extent will the enactment of the legislation disrupt our whole industrial and economic system?

How many now employed will it throw out of employment?

How much will it delay the time when those now unemployed will get back to work?

What effect will it have in compelling industry to discharge the less efficient, including the old, the young, and the marginal worker now employed, and to discourage it in giving new jobs to any such as business improves?

How much will it add to existing relief rolls?

How much will it increase the cost of living to everyone?

What effect will it have on small business and what will be its tendency to increase the already overcentralization of business and of big corporations?

Will it actually help or hurt labor, the underprivileged, and the country?

These are some of the questions that Congress should attempt to answer before acting upon this legislation. No serious attempt to answer them has yet been made.

The codes under the National Industrial Relations Administration attempted to fix wages and hours. Who can tell how much they had to do with throwing old people out of employment and preventing young people from getting employment? Certainly the condition of those along in years and the young people was never more distressing than it was during the life of the codes. It was during that period that the Townsend plan for old-age pensions and the agitation for the C. C. C. camps originated and had their greatest momentum.

Without adequate study and investigation we are asked to pass the bill with no light to guide us, as far as democratic governments are concerned, unless the experience of the State of Pennsylvania and the Republic of France can be said to furnish such light and so far as it goes their experience stand out as a danger signal, rather than otherwise.

No State has ever gone as far as Congress is asked to go in this bill or approached it even. Several States have laws upon their statute books fixing minimum wages and maximum hours for women and children. I do not know of any, however, that has ever passed, or that has ever made any serious effort to pass, legislation fixing minimum wages for men, and only one that I know of has ever attempted by law to limit the hours of work for able-bodied, normal-minded men.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Missouri.

Mr. WOOD. I may state to the gentleman the chairman of the Committee on Labor did make several requests to the Committee on Rules for a hearing on that bill.

Mr. MAPES. She never appeared before the Committee on Rules.

Mr. WOOD. She has appeared before the committee, and requested a rule.

Mr. MAPES. As one member of the committee, I know of no such request. The chairman of the Committee on Labor certainly has never appeared before the Committee on Rules in behalf of the rule. The gentleman from Missouri, upon investigation, will find he is mistaken about that.

The Legislature of the State of Pennsylvania, at its last session, passed a law limiting the workweek to 44 hours. It said nothing about the wage scale. By its terms, the law was to go into effect on November 1 of this year; but the mere anticipation of its going into effect created such chaos and disturbance in the State and there was so much objection to it on the part of both industry and labor that the State authorities, who were largely responsible for its enactment, without any authority of law, of course, announced that they would not enforce it, and for all practical purposes the law has been entirely ignored up to this time. Is it possible that anyone supporting this bill entertains the notion or the hope that it, too, will become a dead letter if enacted into law?

The Republic of France about 2 years ago also passed a law fixing a maximum workweek. All accounts of the operation of that law which I have seen are to the effect that

it has been disastrous. It likewise made no attempt to fix a minimum wage.

There is no agreement among students of the question on the wisdom or economic soundness of national wage-and-hour legislation. In fact, the concensus of opinion among economists and disinterested students—those uninfluenced by political or other personal considerations—if not actually against it, raises very serious questions in regard to its wisdom. At least one State, or a reasonable number of States, ought to try out a minimum-wage and a maximum-hour law applying to all labor and see how it works within the limits of a State before Congress is asked to pass one applying to the whole United States, if the whole subject matter is not to be left entirely to the States to deal with.

In this connection, I should like to call attention to the plank in the 1936 Republican platform on labor, in connection with this question of wages and hours. It is as follows:

LABOR

The welfare of labor rests upon increased production and the prevention of exploitation. We pledge ourselves to—

Protect the rights of labor to organize and to bargain collectively through representatives of its own choosing without interference from any source.

Prevent governmental job holders from exercising autocratic powers over labor.

Support the adoption of State laws, and interstate compacts to abolish sweatshops and child labor, and to protect women and children with respect to maximum hours, minimum wages, and working conditions. We believe that this can be done within the Constitution as it now stands.

That is a pretty sound platform.

To repeat, who wants this bill anyway? No one endorses it wholeheartedly or without many mental reservations. The American Federation of Labor certainly does not want it. Agriculture does not want it. As a matter of fact, few, if any, want it in its present form. Everybody here knows that. Some thought they wanted it when it was first introduced, but economic and industrial conditions have changed materially since then and the legislation has become so muddled up and confused that many of those who were for it originally have changed their minds about the advisability of passing it now. Eliminate pride of authorship and position and the pride which the majority party organization here in the House has in going through with what it has undertaken, and there would not be a corporal's guard for it now in the shape it is in. And yet Congress is asked to put its stamp of approval upon it. There ought to be some better reason for doing that than just as a face-saving proposition. If it is passed, Congress and Congress alone will have to take the responsibility for it, and if it brings disaster, as so many think it will, Congress will be left holding the bag.

The bill proposes that Congress again abdicate its right and duty to legislate and to turn that power over to a board, or, if the amendment of the Committee on Labor prevails, to an administrator in the Department of Labor. Someone has said that it proposes the greatest abdication of legislative power in all history.

What the legislation will accomplish no one can tell. No doubt it squints at a minimum wage of 40 cents an hour and a maximum week of 40 hours, but whether that objective will ever be reached for the country as a whole, or not, or in any industry or not, or in any locality or not, is left entirely to the discretion of the Labor Standards Board or the administrator, as the case may be, with practically no legislative standards set up to assist the board or the administrator in reaching a conclusion.

The board can fix wages at 40 cents an hour or 35 cents, or even 20 cents. It can fix the workweek at 40 hours, 44, 48, 60, or more if it sees fit to do so. It can fix wages for one industry at 40 cents per hour and limit the workweek to 40 hours, and for another it can fix a minimum wage of 30 or 35 cents per hour and allow it to run 48 or more hours per week, even though both may be in the same city or locality, or it can fix a 40-cent wage scale and a 40-hour week for industries in one locality and allow a 30-cent wage and a 48-hour week in another.

No two men will agree upon the meaning of such vague standards as are set up or suggested in the bill.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I am sorry; I cannot yield. My time will not permit.

For example, and I quote the language of the bill:

It is declared to be the policy of this act to maintain so far as and as rapidly as is economically feasible minimum-wage and maximum-hour standards, at levels consistent with health, efficiency, and general well-being of workers and the maximum productivity and profitable operation of American business.

Who can tell what minimum wages and maximum hours are "economically feasible" to accomplish "the maximum productivity and profitable operation of American business"? Management for its own interest is constantly striving to do that. That is the business of management. Can a bureaucratic board here in Washington answer the question for all business in all parts of the country better than individual management can do it?

Before fixing a minimum wage the board must find that the application of it "will not curtail opportunities for employment," and before limiting the hours of labor that any such limitation "will not curtail earning power."

The differences between the members of the Guffey Coal Commission in the administration of that law will appear like 30 cents as compared with the differences between the members of this board in reaching conclusions as to the meaning and practical application of this act.

Is it any wonder that commentators have observed:

Where is the country to find five Solomons at $10,000 a year to fill the board? Or at any price for that matter?

The buck is to be passed by Congress to the board, with the greatest delegation of power in the history of the Nation.

It looks very much as though the sponsors of the bill, because of the great complexity of the problem, have thrown up their hands and determined to leave the matter to a board with broad powers.

It is apparent that the board, or the administrator, will have a perfectly impossible task to perform and one that no one with any sense of responsibility would undertake. The magnitude of the job is beyond all comprehension. As has been pointed out, such broad delegation of power may "end in almost anything from oppression to defeat of the intention of the act altogether."

If the House passes this bill this week, following the passage last week of the farm bill based upon the doctrine of scarcity and clothing the Secretary of Agriculture with power to control and limit the production of farm crops, it will have taken about as long a step as it is possible to take in so short a time toward the further centralization of government, and of putting agriculture, industry, and labor all at the mercy of political bureaucrats here in Washington. What the consequences of such a week's work will be no one can safely predict. We ought to make haste more slowly. This bill should be sent back to the committee. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, 5 minutes is insufficient time for me to explain this bill to the Members of the House, especially to those who maintain they do not understand the bill.

There is an old saying, and many of you have heard it, that no one is so blind as those who have eyes but do not see. I do not belong to that class. [Laughter.]

Mr. Chairman, I respect the opinions of every Member of Congress. We are entitled to express ourselves on every piece of legislation which is presented to us, but here is one thing I have noticed today. No Member who has spoken on the measure has told you that he is opposed to a wage and hour bill. The Members, Democrats and Republicans, who have criticized this measure have said they are in favor of a wage and hour bill.

Is it not a fact that every piece of legislation which President Franklin D. Roosevelt sponsored since he has been in office has met a great deal of opposition on the floor from members of both parties? I venture to say, concerning legislation which has been enacted into law, such as the Social Security Act, the Home Owners' Loan Corporation Act, the

Stock Exchange Act, the Banking Act, and other progressive and humane measures, if a bill were brought out on this floor to repeal any of those acts, the Members who fought against them would not vote for their repeal. Why? Because they know the legislation that President Roosevelt sponsored has been damned good legislation for the poor of this country. [Applause.]

It has also been said by some of the opponents of this measure that people who wanted to testify before the committees were not given the opportunity to do so. We had a joint session of the House Labor Committee and the Senate Labor Committee for about 3 weeks. People from various parts of the country appeared before the committees and expressed themselves concerning the bill. Some who testified favored the measure and others opposed it. When the public hearing ended the House Labor Committee discussed the bill for 3 or 4 more weeks.

I want to say to the Members of Congress that Mr. John L. Lewis, who represents the Committee for Industrial Organization, and Mr. William Green, who represents the American Federation of Labor, testified before the House and Senate Labor Committees. Both Mr. Lewis and Mr. Green maintained they were not opposed to the wage and hour bill which was being discussed; in fact, both of these gentlemen, as well as other outstanding men and women, said if the bill would be enacted into law it would to a large degree abolish sweatshops and child labor in our country.

When the wage and hour bill passed the Senate it was not altogether the same measure which was discussed at the public hearings. The members of the House Labor Committee put back into the bill many of the clauses which were eliminated in the Senate. Mr. Green presented to the House Labor Committee certain amendments which the American Federation of Labor endorsed and we inserted them in the measure.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield the gentleman 1 more minute.

Mr. WELCH. Mr. Chairman, I also yield the gentleman from Pennsylvania 1 minute.

Mr. DUNN. Mr. Chairman, I guess I shall have to conclude my remarks.

This is not a perfect bill. It needs considerable improvement. The Members of the House have a right to offer amendments to the wage and hour bill; therefore, if the measure does not come up to your expectation, then take advantage of the opportunity and present the kind of amendments you believe will make the bill practical. I would like to see a 5-day, 30-hour week bill enacted into law, and there are other Members who would also like to see this kind of legislation on the statute books. An outstanding economist who testified before the joint committee maintained that if the wage and hour bill would become a law it would put approximately one and a half million people to work. It was also stated before the committee that if we would adopt a 5-day, 30-hour week bill 7,000,000 people could be reemployed.

Let all of us vote for a wage and hour bill that will abolish child labor, sweatshops, and the slum districts in our country. Every person who is employed should receive adequate compensation for their services. There is not any necessity for a person to be out of employment who is physically able to work. There is plenty of work for everybody in our country. All of the people in our country—in fact, the people of every country in the world, are justly entitled to a fair portion of the goods which they produce. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EATON. Mr. Chairman, I am profoundly depressed by the incredible muddle we find ourselves in as the days go by. We have just passed a farm bill to raise the cost of food to the industrial worker in the city. We are now engaged in passing a wage and hour bill to raise the cost of the industrial worker's products to the farmer, and the only new thing about it will be a vast new army of bureaucratic maggots who will be engaged in eating up the rest of the meat.

This bill that comes before us today comes clothed in a cloud of mystery. It seems to be an illegitimate child that my dear colleague from New Jersey tells us was placed upon her doorstep last summer by some unknown and ill-disposed person. I am shocked at that. And she is so anxious to get the thing cleared up that today she has invited us to assume its parentage. [Laughter.] I am shocked at that. This legislation was sired down there in the cave of the winds at the other end of the Avenue—conceived in sin and shapen in iniquity. It had no origin here. Mr. Black, of blessed memory, did not write it. My beloved and your beloved friend, Bill Connery, did not write it. It was brought here, as so much of this stuff has been brought in the last 4 years, and placed upon our tongues with orders to swallow it; which we have done.

I am opposed to this bill in its present form. It ought to be recommitted to the Labor Committee for proper study and orderly preparation. I know what stands back of it in our country. We have the sweatshop, a cursed cancer in our economic life. We have the low-wage sections of the country, represented here by distinguished gentlemen.

I recognize and deplore these evils. We have a great and growing passion among our people to get rid of the curse of want in the midst of plenty. We have always active an amazing enduring idea among the American people that you can correct any evil simply by passing a law, even though it is plain that many laws aggravate the very evil they were supposed to cure.

Mr. Chairman, I am in distress over the inadequacy, the uncertainty, and the inability of this legislation to perform the very thing that it is supposed to do, namely, strike a blow at the sweatshop, strike a blow at the low-wage system, and thus improve the condition of that great multitude of our people whom we must put to work sooner or later, if our civilization is not to crumble into dust.

Many years ago I used to be a preacher.

Mr. KELLER. A what?

Mr. EATON. A "what"; yes; and, as I looked around to discover the great elemental forces that were at work in this modern world, I made up my mind that the chief instrument of civilization in this modern time is organized industry. That is where civilization will rise or fall, because there, and there alone, must be found a solution for the problem of producing and distributing wealth among the masses of men in justice to every class and to every man. Believing that, I turned my back on every other instrumentality of social service and went out into the industries of this country, and for 20 years I have been——

Mr. VOORHIS rose.

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from California?

Mr. EATON. No; because he is attempting to interrupt me here right in the midst of what I admit is a splendid oration. [Laughter and applause.]

For 20 years I have been fighting in the interest of increased wage levels, improved conditions of labor, decreased cost of unit production and price to the consumer. I have been fighting to lessen the evils of the capitalistic system, which I consider to be, summed up in one sentence, that there are not enough capitalists. I have sought to remove this evil by increasing the number of capitalists. And I believed this could best be done by the instrumentality of a wide spread in employment and a high level in wages.

We are now in a condition of economic depression, and this is no time to introduce a bill of this kind and further disturb business already hampered by too much governmental interference. I believe with John Stuart Mill that the citizen is entitled to the protection of his government and he is also entitled to protection against his government. I believe, Mr. Chairman, that we have in this country enough moral force and enough brains and character to get rid of this monstrous notion of organizing industry on a

war basis as between employer and employee. I believe the time is here when we must have the employer and the employee and the consumer, and, if you please, the Government, get together and recognize the truth that all industry is a service to society; that profit is what the people are willing to pay the investor for that service; that wages are what the people are willing to pay for what a man does who works. On that rational American basis this problem can be solved without eternally mixing it up with unworkable legislation that no one short of omniscience can understand, and no one short of omnipotence can administer.

Mr. WELCH. Mr. Chairman, will the gentleman yield?

Mr. EATON. Yes.

Mr. WELCH. It has been stated that there are thousands of women employed in this country who are paid less than $5 per week. This statement has been questioned by some Members of Congress. Does the gentleman know whether there are women in this section of the country who are being paid these starvation wages?

Mr. EATON. Mr. Chairman, Dick told me that he was going to spring that on me. That is in New Jersey. We have a minimum-wage law in New Jersey 2 years old, providing that minimum wages shall be $17 a week, and, according to a recent report, we have 34,000 or 35,000 women working for $5 a week right now. I am against that condition with all my heart. I think it is a social cancer, a social evil, a disgrace to our great State.

Mrs. NORTON. Then the gentleman admits that the State cannot enforce that law?

Mr. EATON. No; I do not admit that, because, then, I would turn my back on the very foundation of our American civilization. [Applause.]

That law is 2 years old, and the reason given why our State has not enforced it is that it had to spend millions and millions of dollars for relief, and could not afford to spend the money to enforce that law. Now, of course, when we get a Republican house and senate we are going to change all that. [Laughter.]

Mrs. NORTON. Will the gentleman yield further?

Mr. EATON. I yield.

Mrs. NORTON. I want to remind the gentleman that New Jersey has been under Republican rule since that law was enacted.

Mr. HARTLEY. Mr. Chairman, will the gentleman yield?

Mr. EATON. I yield.

Mr. HARTLEY. Under whose department in the State of New Jersey is the enforcement of that minimum-wage law?

Mr. EATON. The labor department and law department.

Mr. HARTLEY. And a Democratic labor commissioner and a Democratic attorney general of the State?

Mr. EATON. I did not wish to unveil those horrors before you, but it is a fact. [Laughter and applause.]

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. EATON. I yield.

Mr. CRAWFORD. I desire to get the gentleman's expert opinion. Does the gentleman believe that it is more practical and an easier matter for the State to administer an act with such broad provisions than for the Federal Government to do so?

Mr. EATON. I certainly do. For instance, they talk about differentials. The southern people are told they will only have 10 or 15 cents or dollars, or whatever it is, and we in the industrial North will have 40. That means that all the sweatshops will move at once from New Jersey right down into Georgia and the deep South and make themselves at home, and the South will be swamped instead of being relieved and enriched. I sum up my reasons for opposing this legislation in a few words:

First. It is an invasion of State rights and State duties.

Second. It further slows down business by increased bureaucratic interference.

Third. It will deepen the present depression by increasing uncertainty and fear.

Fourth. It will restrict production and thus raise the cost of living to the worker.

Fifth. It will sound the death knell of organized labor by substituting the commands of a Federal bureaucrat for collective bargaining.

Sixth. It will tend to fix all wages at the dead level of 40 cents an hour.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mrs. NORTON. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. MCREYNOLDS].

Mr. MCREYNOLDS. Mr. Chairman, I yield 10 minutes of that time to the gentleman from Florida [Mr. WILCOX].

Mr. WILCOX. Mr. Chairman, regardless of what amendments may be offered or what substitutes may be submitted, the fact remains that the bill under consideration by the House at this time is the bill that was reported on the 6th day of August by the Committee on Labor.

I regard the wage and hour bill, in its present form as reported to the House, the most serious threat to representative democracy which has been proposed in this generation. It proposes a bureaucratic control of business and industry and a dictatorship over labor which, if enacted, must ultimately result in a destruction of the right of collective bargaining and which may easily reduce labor to a state of economic slavery.

It proposes the establishment of a Federal bureau or board with autocratic and dictatorial power beyond any ever attempted in any government of free people. It would place in the hands of a little group of Federal bureaucrats the power to regulate the earnings of millions of American citizens. And since, in the words of one of its sponsors, the bill, as drawn, is only a modest beginning, the Federal bureau once established will soon be extended to cover every business, every industry, and every man who works for a living in America.

Once this bill is enacted private enterprise in America will be subject to the whims and caprice of a governmental agency and labor will have sold its birthright without receiving in return the proverbial mess of pottage.

When we set up a board with power and authority to regulate the wages and hours of employment and with power to thus control the working men and women of this country we will have taken a very definite step toward complete regimentation of the people.

The board provided for in the bill will not only have potential power to bankrupt private business and wreck individual enterprise but, what is of vastly more serious importance, it will also have within its hands the power to destroy labor. By the exercise of discretionary power it may reward one business and punish another; it may establish high rates of pay and low hours of employment for one group of workmen and low rates of pay and long hours of employment for those not in favor with the board; it may prefer one section of the country over another; and it may, if it so desires, by the prescription of more attractive terms, force the removal of industries from those sections which may have incurred the displeasure of the bureaucrats. It could control elections, make and unmake political administrations, and direct the lives of the people. Set up such an institution and you have the makings of a dictatorship which, when once installed, may never be removed except by revolution.

I believe, as you do, in decent wages and decent working conditions; and I also believe in representative government; in the right of men to govern themselves without dictation; in the right of men to work out their own problems; and in the right of laboring people to bargain collectively for the improvement of their condition. And because I believe in these things I do not believe in this measure, which ultimately will place 45,000,000 wage earners under the domination of five Federal bureaucrats in Washington.

I want to discuss this bill primarily from the standpoint of its effect upon the workingman. In doing so I do not mean to minimize the evil that will be done to business, industry, and agriculture; but, because the sponsors of the measure have contended that it is designed to elevate the standard of living of the underpaid and underprivileged

classes, I want to view it from their angle. I believe that my unbroken record of support of all labor legislation and my recognized attitude of sympathy for the problems of labor qualify me to discuss the bill from that viewpoint.

Now, it is most remarkable that a measure purporting to be in the interest of the underpaid working people of the country should exempt from its operation so many groups and classes of workmen. It does not extend its alleged benefits to all working people. In fact, it specifically says that it shall not apply to certain groups.

The framers of this bill have been very careful to provide that it shall not apply to agricultural labor. God knows if there is any class or group of people in America who are underpaid and whose very existence is made unsafe and uncertain both by man and by nature it is that group who must depend upon agriculture for a livelihood. And yet under this bill there is no board to say to the farmer that he can go to work at 8 in the morning and quit at 4 in the afternoon and loaf on Saturday and be guaranteed a minimum income. No. He must go to work with the crack of dawn and labor into the night 6 days a week and take his chances on the weather for his crop, and after it is made he still has no assurance that it will yield him a living because he still must depend upon the uncertainties of a man-made market.

During the recent debate on the farm bill it was shown that the average income of American farmers is $359 per annum, or a little less than $7 per week, while the average income of our southern cotton farmers is only $200 per annum, a little less than $4 per week. But is he given a $16-a-week minimum guaranty in this bill? He is not. On the other hand, he will find that everything he buys will cost him more than it did before. When he buys clothing for his family, implements for his farm, or fertilizer for his crops, he is the fellow who will pay the bill out of his meager $7 a week.

And then the measure says that it shall not apply to those who are engaged in the canning or packing of fish, fruits, or vegetables. It does not apply to retail merchants or their employees. It is supposed to exempt all persons not engaged in interstate commerce. It leaves out those who gin cotton but includes those who spin the cotton into thread.

Why, if this is a good law, are these and other groups of workers left out? Why have you omitted 40,000,000 workers from the bill if it is a good thing for labor?

Why extend the benefits of a good law to one class of our people and deny them to another class? And, on the other hand, if it is a bad law for one class, then why is it not a bad law for the others?

There can be no rational justification for discrimination for or against any group if the Federal Government is going into this business.

Now, one of two things is true; either the legislation deliberately, purposely, and intentionally discriminates against certain classes of working people, or the sponsors, realizing that the proposal would be a bad law, have undertaken to minimize its bad effects by making it applicable to only a very small number of people. But if it is so bad that some must be left out, then why make it apply to any?

I am not disposed to believe that the sponsors of this legislation would deliberately withhold the benefit of a good law, if they really believed it to be good, from such an enormous group of people as are exempted from this bill. I am driven, therefore, to the conclusion that the sponsors realize that it is a bad law and that they have exempted these people so as to make it applicable to just as few as possible. But the question arises as to whether these people are actually exempted; and, if so, whether they will remain exempted from the provisions of the bill once it becomes a law.

In the first place, let me remind you that although the Federal Government has no jurisdiction except over interstate commerce and those people who are engaged in interstate commerce, nevertheless, this bill provides that any enterprise whose products may come into competition with products shipped in interstate commerce will be subject to the provisions of the law. Therefore, any little neighborhood industry whose products may compete with similar products which have been shipped in interstate commerce will find itself subject to the regulations of this act, and its employees will receive their orders from a five-man board sitting in Washington.

Again, the regulation of wages and hours in one business on one side of the street will be impossible where a business on the other side of the same street in the same community is unregulated. It is not reasonable to believe that the turpentine industry will remain unregulated when the sawmill industry in the same locality is regulated. Such a situation will create such confusion and such disorder that Congress will find it necessary to amend, enlarge, and extend the act so as to cover industries and businesses which are now specifically exempt. Those who are now exempted, therefore, may be lulled into a sense of security in thinking that their wages and their hours of employment will not be regulated under the terms and provisions of this bill; but, once the measure is enacted and once this board is established, it will be a matter of only a few years until the exemptions will be removed and the powers of the board will be extended to cover every man and every woman who works for a living in America.

In the past 40 years organized labor has accomplished much for the welfare of the American workman. It has increased his pay, shortened his hours of employment, and secured more decent working conditions for him. But I would remind you that these things have been accomplished by negotiation, by collective bargaining, and not by Federal law. Organized labor has been able to adjust its differences with capital when it could sit down at the table and negotiate for better working conditions; but, once the Federal Government assumes control, once a Federal bureau is given the power of regulation, organized labor will find it has surrendered its power of collective bargaining and has subjected itself to the dictation and control of the Government. The enactment of this statute, therefore, means the beginning of the end for organized labor and means the substitution therefor of Government control and bureaucratic dictation.

I do not mean to say that all labor will be brought immediately under the terms of this bill; nor do I mean to indicate that the Federal Government will immediately displace collective bargaining. Unfortunately the results will not be immediately discernible. If they were, we would have nothing to fear, because the American people would not stand for it. But the passage of this bill is the entering wedge; it is the establishment of bureaucratic control over labor; and by the gradual extension of authority and the gradual assumption of more power, this Federal bureau will within 5, and certainly not more than 10, years become the autocrat of business, industry, and labor in this country.

Another danger that I see in the enactment of this legislation lies in the fact that the establishment of minimum wages is likely to result also in the establishment of maximum wages. The danger of this is recognized in the measure itself because it contains a provision which requires that the five-man board shall exercise due caution to prevent the minimum wage from becoming the maximum. Thus even the framers of the bill understand that they are trying an extremely dangerous experiment and that they are gambling with the welfare of the workmen. They know that in establishing a minimum wage there is a strong possibility of at the same time fixing a top wage beyond which the workman cannot go.

In dealing with the question of whether this measure is actually in the interests of the workmen we should not overlook the fact that in every section of the country there are small industries working only a limited number of people and which do not operate on a sufficiently large scale to permit more than one shift of workmen per day. Suppose such a plant should be required to operate not more than 40 hours per week. This would not result in giving more men a job, but would result simply in requiring the plant to remain idle for 1 day out of each week and this in turn would result not only in the loss of 1 day's output for the plant but also in the loss of 1 day's pay each week to the

workman. I am persuaded that the workman would prefer to work 6 days per week and get 6 days' pay rather than be forced to work only 5 days per week and lose 1 day's pay.

Then there is another matter of great importance in the South, and that is the problem of our Negro labor. There has always been a difference in the wage scale of white and colored labor. So long as Florida people are permitted to handle the matter, this delicate and perplexing problem can be adjusted; but the Federal Government knows no color line and of necessity it cannot make any distinction between the races. We may rest assured, therefore, that when we turn over to a Federal bureau or board the power to fix wages, it will prescribe the same wage for the Negro that it prescribes for the white man. Now, such a plan might work in some sections of the United States but those of us who know the true situation know that it just will not work in the South. You cannot put the Negro and the white man on the same basis and get away with it. Not only would such a situation result in grave social and racial conflicts but it would also result in throwing the Negro out of employment and in making him a public charge. There just is not any sense in intensifying this racial problem in the South, and this bill cannot help but produce such a result.

Many of our northern friends may honestly think that by forcing a uniform wage scale upon the South they are doing the Negro a real service. But those who know the facts know that when employers are forced to pay the same wage to the Negro that is paid to the white man the Negro will not be employed. This in turn will mean that he will be thrown onto the relief roll to be fed in idleness. This is just another instance of the well-intentioned but misguided interference of our uninformed neighbors in a delicate racial problem that is gradually being solved by the people of the South. This bill, like the antilynching bill, is another political gold brick for the Negro, but this time the white laborer is also included in the scheme.

I would also call your attention to the difficulty of administering this proposed law. These five men sitting in Washington must deal with the social and economic conditions prevailing in every village and hamlet as well as every large city in the country. They must deal with conditions prevailing in a small sawmill community in Florida and at the same time consider the conditions in New York and Boston and Kansas City and San Francisco. The garment maker in Philadelphia and the turpentine Negro in Georgia; the cigar maker in Tampa and the automobile worker in Detroit must all come under the jurisdiction of five men in Washington. To administer such a law would require an army of snoopers, investigators, informers, and sleuths exceeding even that of prohibition days. It would be physically and humanly impossible for five men to gather the information necessary without such an army, and with their help it will be equally impossible to work out wage scales that will do justice between men in different sections of this vast country. Many things enter into the determination of wage scales just as they enter into every other activity. Living costs, proximity to markets, freight rates, availability of raw materials, climate, all must be considered, and because these must be considered a rate of pay which is just and fair in one section may be grossly unfair in another. And yet under this bill five men are to be given the power to determine these questions upon which the happiness and welfare of millions of Americans depend.

Whatever purposes may have motivated the framers of this bill, whatever their aims or intentions may have been, the result undoubtedly will be to drive industry out of the South and force it into those sections which are closer to the larger markets. When Florida with its warm climate, where fuel costs are low, rents are cheap, and where fruits and vegetables are close at hand, but where its products must be shipped hundreds of miles to market, is forced to meet the living costs of New England it will simply mean that industry will go to New England. And I rather suspect that it is the knowledge of this fact and not their interest in southern workmen that accounts for the New England support behind this bill. Of course, I cannot blame New England Senators and Representatives for trying to get everything they can for their section, but in this instance they are doing an injustice not only to southern business and industry but to southern labor as well. What good would it do a southern workman to have the law or the Federal board fix a high rate of pay for him if the plant where he works shuts down and moves away?

I offer no defense for any employer in the South who pays less than a proper living wage. If employers in my section pay less than the traffic will bear, if they exploit the labor of the South, I condemn them just as I condemn employers in the North, East, or West who are guilty of such practices, and I do not in any sense condone their actions. But while we are on the subject and since it has been made to appear here that we in the South are the chief offenders in the matter of low wages, it might be well to refer briefly to the "sweatshops" of the North and East. I think no one will deny that the worst labor conditions in this country prevail in those industries where employees are paid on a piece-work basis.

Now, either by accident or design, this bill does not attempt to correct any of the evils of the piece-work system. The sweatshops of the North and East will go merrily on their way, free to exploit their employees without restraint and without regulation.

Here again, I should like to ask: If this is a good law why have these people been left out?

If our friends really want to help the underpaid and overworked labor of this country, why do they not extend the alleged benefits of the law to the people in the sweatshops who are paid on a piece-work basis?

Now, to my Democratic colleagues, I want to say this: Many people have been circulating the rumor that the Democratic platform of 1936 binds our party to the passage of this bill. Exactly the opposite is true. The one thing that the Democratic Party has always stood for is the right of the States to settle internal affairs, and the one thing that the Democrat Party has always vigorously opposed is the centralization of power in the hands of the Federal Government.

But let us look at our 1936 platform and see just what it says. This is the section dealing with wages and hours:

> We know that drought, dust storms, floods, minimum wages, maximum hours, child labor and working conditions in industry, monopolistic and unfair business practices cannot be adequately handled exclusively by 48 separate State legislatures, 48 separate State administrations, and 48 separate State courts. Transactions and activities which inevitably overflow State boundaries call for both State and Federal treatment. We have sought and will continue to seek to meet these problems through legislation within the Constitution.

The language used is significant. It does not say that there shall be a Federal board or bureau with autocratic power. It would have violated every principle of the Democratic Party if it had said so. What it says is that the problem calls for "both State and Federal treatment." Our platform requires joint action, so that each State shall have a part in the program. This is not only democratic but it is necessary. No five men in Washington can possibly solve the problems incident to the enforcement of such a law. But if the people in Florida, who know Florida conditions, are given a voice in the matter they can work it out to fit the needs and requirements of Florida people, and the people of the other States can do the same thing as regards their own localities.

All of these questions are important and are deserving of our careful consideration, but they are of little consequence when compared to the more important question of whether we shall set up a Federal board or bureau to have dominion over labor. Once we establish such a board with the powers proposed by this bill we will have surrendered the last vestige of States' rights and the right to work out our own problems in the manner best suited to our own particular needs. But what is of vastly more serious importance we will have sold labor "down the river."

A great friend of labor once said, "Keep labor from under the thumb of government." How wise, how farseeing he was is evidenced by the plight of labor in every country where

government has assumed the right to regulate and thereby the right to control it. American labor enjoys the highest standard of living; it receives the best wages and works under the best conditions which exist in any country on earth. This is true because the American workingman retains his freedom to negotiate collectively with his fellows. He has not surrendered to government his right to work out his problems in the manner that insures to him the maximum income which the traffic will bear. But now, with a great fanfare of trumpets, with the mouthing of honeyed words and high sounding phrases, with great protestations of good faith and high purpose, the Congress proposes a measure which may easily result in the loss of the victories which American labor has achieved as the result of a half century of laborious effort.

Already our Federal Government has traveled a long way along the road toward concentration of all power in the hands of a few bureaucrats. Already we have drifted far from the course charted in our plan of representative government. Let us not take this final step of regimenting those who earn their bread by the sweat of their brows. [Applause.]

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, it is understood that I may reserve the other 10 minutes of my time until tomorrow.

Mr. WELCH. Mr. Chairman, I yield 8 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, in order that there may be no misunderstanding as to my position or, rather, my feeling toward organized labor, may I say that I have carried a card in the Typographical Union for nearly 30 years and have in my files many letters commending me for positions I have taken on various measures of interest to labor that have come before the House in the 20 years that I have been a Member.

I was amazed to receive a letter in this morning's mail which reads as follows:

Hon. HAROLD KNUTSON,
The House Building, Washington, D. C.

HONORABLE SIR: The executive board, International Union United Automobile Workers of America, at its special meeting in Detroit, unanimously resolved to send to you and all other Members of Congress whose constituents include any of our 400,000 members the following communication:

1. That our union considers it vital to the security and welfare of its members that you cast your vote and use your influence in favor of the Black-Connery fair labor standards bill;

2. That we consider it equally vital to the security and welfare of all wage earners and therefore of the country as a whole;

3. That Representatives in Congress who vote against or fail to vote or pair in favor of the bill are thereby placing themselves on record as opposed to the best interests of their constituents;

4. That an unfavorable vote on this bill or failure to vote or pair in favor will not be forgotten next year, when Representatives ask their constituents to reelect them, as this will be the acid test of a Representative's real position.

Evidently this young man was alive before the war broke out—"the acid test of a Representative's real position."

Then he goes on to say:

5. That this is not a political threat—

[Laughter.]

but a frank expression of conviction and fair notice that Representatives who do not represent cannot expect support.

Respectfully yours,

HOMER MARTIN,
International President of the United Automobile Workers of America.

It may not be a threat, Mr. Chairman, but it is certainly a promise.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. MICHENER. I call the gentleman's attention to the fact that the author of this letter assumed a similar attitude recently in the Detroit election, but in that election the city of Detroit overwhelmingly cast that kind of philosophy and leadership into the discard. In Monroe, Mich., the same leadership attempted to defeat for reelection the mayor, who had organized a volunteer police force to protect those who wanted to work during the sit-down strikes in that city. In this instance the mayor was reelected by a 3-to-1 vote.

Mr. KNUTSON. I am not surprised. Thinking people will not stand for such tactics.

This same gentleman, my friends, a short time ago called upon the automobile workers of the United States to stop buying meat; in other words, to boycott the American farmer so as to depress prices, yet today he is out in my country trying to organize our farmers and trying to bring them into the C. I. O. In this connection I want to read a telegram sent him by Edward A. O'Neal, president of the American Farm Bureau Federation:

American farmers are shocked at newspaper reports of your urge upon all members of the C. I. O. automobile unions to withhold consumption of meat in an effort to reduce prices. Is this an invitation for American farmers to take similar action against products produced by C. I. O. labor? Factory wages are more than 20 percent in excess of 1929 level, and retail food prices, including meat, are nearly 20 percent less than during same period. National welfare demands a balance as between agriculture, labor, and industry, and American farmers will resist by whatever means necessary any efforts to aggravate the present disparities.

A Mr. Frazier, down in Lovettsville, Va., wrote Mr. Martin something worth thinking about. I read the article which appeared in the Washington Star recently:

Meat strikes and "meatless weeks" advocated by the United Automobile Workers to force down meat prices were met today with a counterstrike.

The Lovettsville Farmers' Club has begun a boycott against products of industries employing U. A. W. labor, and said its members would call upon other "farmers throughout the country" to follow suit.

W. H. Frazier, club president, in announcing the boycott, declared that 90 percent of the differentiation in the price of meat received by the farmer and that paid by the consumer may be traced to efforts to "unionize labor."

BLAMES DECLINE ON C. I. O.

He charged the "declining state of business" to the "bargaining tactics of the Committee for Industrial Organization and its constituent unions, including the United Automobile Workers."

Mr. Frazier, in a letter to Homer Martin, U. A. W. president, who encouraged the meat strikes in a letter to U. A. W. members on November 12, asked:

"Do you know what a farmer's hours of labor are, Mr. Martin? If the farmer worked only as many hours a day as does the U. A. W. member, you would pay twice as much for steaks."

CALLS FOR A BOYCOTT

"Farmers, nearly to a man, use automobiles and trucks, Mr. Martin. But they don't buy them when they can't. And when farmers don't buy, you don't sell much, Mr. Martin."

In his letter he explained the Lovettsville Farmers' Club is composed of farmers of Loudoun County, Va., who are actively engaged in the production of meat animals.

"In order to combat the effect on all farmers of the U. A. W. propaganda and reduce the market price of meat animals below the cost of production," Mr. Frazier wrote, "we do hereby call upon the farmers of the county to strike against and boycott the products of industries employing labor who participate in and endorse such tactics. In particular, we call this strike against the purchase of automobiles made in plants dominated by the U. A. W. and you, Mr. Martin."

LABOR CALLED MONOPOLY

"You cannot, in truth, plead that your campaign is directed against monopoly in processing and distributing channels; if there is a monopoly there, it is that of organized labor. Do you want the Federal Government to prosecute that monopoly, or other labor monopolies such as the U. A. W.?

"You know, as we know, that up to 90 percent of the spread between the price the farmer receives and the price the consumer pays is labor cost, and you know, as we know, that your parent—the C. I. O.—has endeavored to organize all processing and distributing channels. Are we to believe that you, Mr. Martin, desire that wages of that labor be reduced? Does not the C. I. O. and the U. A. W. stand for, and get, higher wages and shorter working hours? Does that raise the cost of anything, automobiles, for instance, Mr. Martin? What you would dictate then, Mr. Martin, is and can be nothing else but lower prices to the farmer—poverty to the farmer—even though the C. I. O. is trying to organize the farmers in the Middle West."

Reverting to the letter from this man Martin, I can remember the time when, if a man sent a letter like that to 400 Members of this House of Representatives, he would have been hailed before the bar of the House and censured by the Speaker; but, in this day of rubber stamps, we take it and we smile, and we invite more of it.

Mr. VOORHIS. I ask the gentleman whether he never received any other letters like that from any other organizations?

Mr. KNUTSON. No; I never have; I never have.

Mr. VOORHIS. I have received a great many of them.

Mr. KNUTSON. That is probably because the writers think such letters will interest the gentleman. I am sure it was an oversight that they sent this letter to me.

We have been assured repeatedly that all agricultural activities are excluded from this legislation. Let us see if such is the case. I invite your attention to page 5, lines 15, 16, 17, and 18, which read as follows:

Independent contractors and their employees engaging in transporting farm products from farm to market are not persons employed in agriculture.

I submit in all fairness that while the man who transports agricultural products from farm to market may not be a farmer he is, nevertheless, an integral and very necessary part of the agricultural organization. Then again on page 28, section 7, I am not sure that under the provisions of this section it would be possible to ship farm products in interstate commerce that had been handled by nonunion truck drivers.

Mr. Chairman, we have had a great deal of trouble with labor violences in Minnesota, where a bitter fight exists between the two dominant labor organizations, and it was only 2 or 3 weeks ago that a labor leader was shot down in cold blood in Minneapolis. I regret to say there have been others. In the many strikes that we have had in our State farmers driving their own trucks, and who were not members of any union, have been slugged and unmercifully beaten by hired thugs. Right now the wood-products industry of northern Minnesota is at a standstill because the highways are in possession of thugs and gangsters who absolutely prohibit any trucker from using the highways unless he belongs to the union. In fact, Mr. Chairman, it has become a racket that should be investigated by the Federal Government.

Is this, or is it not, a free country? May I ask who owns our highways? Should it be necessary for a farmer or any other individual who wishes to drive a truck to join the union before he will be permitted to use our highways?

I am probably as good a friend of labor as there is in this House, but I am warning you now that if this lawlessness continues the whole labor movement will be discredited because, after all, the average American believes in liberty, in freedom, and in fair play.

If there be a man in this House who believes in violence, such as I have described, as a means of furthering the labor movement, let him stand up here now and proclaim his adherence to such an indefensible program. As a union man who has carried a card for a quarter of a century and expects to do so until the end, let me issue this warning: The present program, which is nothing less than a racket, if continued, will inevitably set labor back to where it was before it began to organize. It is individuals like Homer Martin who will bring such an unfortunate situation about, and I call upon every member of organized labor who has the movement sincerely at heart to rise up and repudiate such false and dangerous leadership. I believe that this measure is but another step toward fascism and have reason to believe that the American Federation of Labor is of the same opinion. Certainly, our farmers are of this opinion. Its passage would make it almost impossible to hire farm help.

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I am for this bill because I was elected on the promise to the people of my State that if sent here to Washington I would help write a wage and hour bill which would do away with the abuses from which some of the people of my State are suffering. I am for the pending bill because it is a part of the Democratic platform. I am for it further because the greatest leader that God ever gave to America is in favor of the bill. The people believed in that pledge and swept Members from the South and a great many more on this side of the House into Congress. I do not intend to walk out on my promise when the vote on this bill is taken.

Mr. Chairman, while I was deputy commissioner of labor in my State I saw numerous abuses. The statement has been made here that these abuses exist only in one part of the country, but may I say that they exist in all parts of the country. I come from the East where we have wages as low as $4 a week for 48 and 55 hours of labor.

Mr. Chairman, I learned a trade 40 years ago and worked for a concern that was one of the best in the country. This company worked us reasonable hours and paid good wages, but one day it found it could not compete so it began to reduce wages and salaries. The workers resisted these wage reductions, the same as they are resisting them today. This company did not want to pay a wage sufficient in amount to keep one's family together or educate one's children; it was not willing to pay a living wage. We resisted the cut and it moved its factory to another State, in which men would wear overalls 7 days a week and allow their wives to work with them so that the combined wages of both would amount to a living wage for the family.

All I ask for an American father is that he be paid a wage sufficient in amount that his wife may stay at home and bring up her family and that his children may be educated and that he may set a little aside for his old age. Is there anything wrong with that philosophy?

It has been stated here this afternoon that this matter should be left to the States. The States cannot enforce and carry out the provisions as contained in this bill, because we have had the experience in the past where States have raised their standards and the industries went out of business on account of competition with States that had lower standards.

From the discussion that has taken place here this afternoon, the only conclusion I can draw is that the committee did not bring out a bill strong enough. The methods we will adopt in the enforcement of the bill can be improved upon when the bill is read for amendment. I plead especially with the Members on this side of the House to carry out your program, find a proper method, and enact it into law. [Applause.]

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, I want to discuss for a few minutes the farmers of our Nation. We were informed by a previous speaker that no consideration has been given the farmer, this I agree with. My district is composed of farmers and those engaged in industry. The men in the industries work about 8 hours a day, if they can get work to do. The farmer works from about 4 o'clock in the morning until 8 o'clock in the evening and the wages the farmers receive, as you all know, are very small.

If this is a good law for the men in industry, it should likewise be a good law for the farmers. The farmer gets to be an old man before his time on account of hard work and long hours. Why not consider his wages and hours of labor? We have a 40-hour week in New York State for industry but organized labor has always opposed a minimum wage. They claim the minimum will be the maximum. I want to see all labor receive a good wage and reasonable working hours. I believe that 8 hours is long enough to work and perhaps 40 cents an hour is the right figure, but conditions change; most labor in factories so far as I can learn receives more than this amount now, while the farmers receive much less. When we increase the cost too much to the farmer and buying public they must stop buying. The legislation may harm rather than help the workers.

I was home over the last week end and I find our factories when they are running at all are running only on short time. Some of our principal factories that have in the past worked three shifts a day at the present time are entirely closed down. Some of the other factories are working only 24 hours a week. Others have laid off a great many of their employees. Conditions under this new depression created by President Roosevelt are getting worse all the time.

Hearings are being held on reciprocal-trade agreements here in Washington, that have for their purpose lowering of the tariff with foreign countries. Tomorrow there is going to be a hearing before the Tariff Commission on shoes down at the old Land Office Building beginning at 10 o'clock in the morning. I have invited the chairman of the Committee on Labor to attend that meeting and bring with her the other members of the Labor Committee. I invite all Members of Congress who are interested in the laboring man to go down there and endeavor to bring before the Tariff Commission the necessity of not reducing the tariff on shoes, for example, that come to this country from Czechoslovakia, but increase that tariff. I have one concern which employs 20,000 shoe workers in my district, as well as other smaller concerns. The employees in the larger factory are working 24 hours a week. Their wages when employed are good, receiving on an average 67 cents an hour. The average for shoe workers throughout the Nation is 51 cents an hour. I am afraid if this legislation is passed providing for 40 cents an hour, these employees will be decreased instead of getting an increase in wages. The fact that the Government says 40 cents is a fair wage scale may be an incentive for those who are losing business to decrease their wage scale. I am informed that child labor is employed in Czechoslovakia at about 13 cents an hour. All we have to protect our workers from starvation wages or no wages at all is the tariff. Yet the majority party does not show any interest in the working man.

The reciprocal-trade agreements have been disastrous to the farmers. It has lowered the price of dairy products coming into this country, especially from Canada into New York and the bordering States. We have a low tariff on shoes, as I said before, and now it is proposed to lower the tariff coming from Czechoslovakia, in which country is located the largest shoe factory in the world. This concern is getting the world trade. It has shoe factories in 10 other nations which are supplying the world market. We in the United States are losing our shoe market. At one time we shipped 22,000,000 pairs of shoes abroad. At the present time we are shipping only about one and one-half million pairs of shoes abroad. If we want to do something for labor, let us do something real. Let us get busy and let the Tariff Commission know we have to increase the tariff rather than lower it if we are going to help labor. [Applause.]

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. MAVERICK].

PURCHASING POWER IS WHAT BUILDS BUSINESS—WAGES CREATE PURCHASING POWER

Mr. MAVERICK. Mr. Chairman, I have heard a great deal today about the North and the South. (See below I, Wages, North and South Comparisons.) I have heard gentlemen warn the North that industries in the South would never pay a Negro the same wage they would pay a white man, in spite of a Federal law. As far as I am concerned, if a black man does the same work as a white man, he ought to receive the same pay. [Applause.]

I do not see anything terrible about this. I think Negroes should have economic justice. If a Negro makes good pay, he spends it—just like a white man. Purchasing power builds business, prosperity, and the Nation. If a Negro gets fair wages, he will spend, pay taxes, hire a doctor for his health, send his kids to school, be a better citizen, and contribute his part rather than being a burden.

The very fact we have always had this kind of psychology—I mean beating down the wages of the Negro—is what has kept the wages of the white workers of the South at the bottom, the lowest in the United States. I want to see the purchasing power of the South and the North, East, and West raised. (See below II, Subject of Negro Wages.)

THE "BLOODY SHIRT" OF THE NORTH AND THREATS FROM OTHER SECTIONS

Before I came to Congress I heard of these fellows who were always waving the "bloody shirt" on the Republican side. This was a disgusting thing. But I believe it is just as disgusting for any person from another section of the country to threaten the North when legislation of a National character is brought on this floor for discussion.

Listen, my friends—and this is not partisan talk—our wealth, the wealth of the South, has been drained out ever since the Civil War, and I believe the first President who has ever given the South a real decent break is Franklin D. Roosevelt and the present administration of the Democratic Party. [Applause.]

COTTON SUBSIDIES, MONEY, BENEFITS—ALSO LAWS FOR THE SOUTH

Let us be fair about this thing. We had the Bankhead Cotton Act, and it was a fine thing for the South. We had a cotton subsidy and we had the T. V. A. We down South took money from the P. W. A., W. P. A., and other agencies and we were glad to get it.

This money did a lot of good for the South, and I am happy we got it. However, when you take money from Uncle Sam you must take the laws from Uncle Sam just like the rest of the United States. [Applause.]

They say there ought to be a differential between the North and the South. Yes? Do you think I as a Congressman from Texas, which has the most wonderful and the most balmy climate in the country, would say, "I want you to reduce my salary because Texas has such a wonderful climate"? You would think I had gone crazy if I should do a thing like that. Southern Congressmen and southern veterans get the same pay as Congressmen and veterans in other parts of the country. This despite our delightful climate. Oh, what a wonderful climate! California and Florida Congressmen should compete for the lowest salaries, for they claim to have climates better than Texas! But just the same the practice of uniform wages is followed all over the Nation by the Federal Government, and that is what it ought to do.

In my district I have a special problem. Living there are 90,000 Mexicans, or Latin Americans. They are usually exploited, because they belong to a racial minority, and are of immigrant stock. (See below III, Wages Paid Mexicans.)

LET US BANISH SWEATSHOPS EVERYWHERE

As far as I am concerned, and I believe this is true of all of my colleagues, solemnly, I do not impute any bad motives to anybody who comes from one section or another, but by the heavens, I do not want any sweatshops or any low wages in my district, if I can help it. Yes, yes, I want the people in my district to get as good wages as the workers in any other part of the country.

When the Federal Government gives me a chance to benefit my district by a decent law, I want my district to come in just as it does on the allotment of money and all the rest of it. This is a nation, a nation, gentlemen.

Mr. Speaker, we have heard a lot today of the Green bill and of the American Federation bill and a lot of talk about the C. I. O. and different organizations. I have heard that this organization and that organization does not want a minimum-wage bill. I am not the man to refuse to accept advice.

I welcome advice; but in the end I must make up my own mind.

SLAVES DID NOT ASK FOR ABOLITION—THEY COULD NOT

But I must say that neither Bill Green nor a half dozen Du Ponts, John Lewis, the heads of the Manufacturers' Association, the chamber of commerce, whoever they are—and it does not make any difference—the sons of both the Texas and American revolutions, do not tell me how to legislate. I am glad to get their advice and their suggestions, but there is no reason why any Congressman should go yammering down the aisles and yelling "aye" to every organization that tells him what to do.

There were no organizations of the slaves asking for the abolition of slavery. They could not organize. And because the people down under have no organizations clamoring aloud for legislation is no sign such people do not want it. It is no argument against the wage bill. It is either right or wrong.

GREEN BILL—RIGID; UNENFORCEABLE

Now let me discuss for a moment what is known as the Green bill. It is known as the 40–40 bill. It is rigid and inflexible. (See below, IV, "Constitutionality of American Federation of Labor bill.") Constitutional or not, it will be impossible of enforcement in the United States of America. The imposition of these rigid restrictions will simply cause the break-down of the law, and it will mean that labor will get no bill. The bill proposed by the committee is a fair compromise and a beginning.

I have a telegram I received from the State Federation of Labor in Texas asking me to vote for the American Federation of Labor wage and hour substitute bill, and that in the event it is defeated that I vote to refer the original bill back to the committee.

In other words, the American Federation of Labor in effect tells us that unless we enact legislation exactly as they say, without crossing a "t" or dotting an "i", that the American worker is not to have any legislation, and do without any protection. The Manufacturers Association and the National Chamber of Commerce do not want any legislation. Well, I am sorry, but I am going to vote for the bill the committee puts up to us, and I am going to follow the leadership of the committee. I believe, by doing so, I shall have a chance of doing something for our country. [Applause.]

CONSTITUTIONALITY OF RIGID LABOR LAW VERY DOUBTFUL

Also, my friends, we might as well face the constitutionality of the Green 40–40 bill. The constitutionality of the wages and hours by States in relation to women, known as the West Coast Hotel case, from the State of Washington (as well as several other States and the District of Columbia) was based entirely on the fact that it was reasonable for a study to be made of conditions, wages, and rights of employers and employees, and then set the minimum wage. Should we adopt a rigid and inflexible bill not based on reasonableness, it will very probably be declared unconstitutional.

For that reason, it behooves us to enact the most reasonable legislation and also so it can afterward be built up gradually, raising the standards of the American people all over the Nation.

MAGNA CARTA OF LABOR—LET US BUILD

Further, my friends, they say, especially the enemies of this bill, especially those who do not want any legislation of this kind at all, that the bill is not any good, and that it is not good enough for labor. They are right, but they do not fool me, or anybody else interested in the welfare of labor. The false friends of labor always say labor should get more, but they really mean nothing.

Oh, the same thing was said when they went to adopt the Magna Carta, no doubt, that it was not good enough for the British people—and if anyone takes the trouble to read it, they will find out that was true. Yes; the Magna Carta was a selfish document. It was a document for the purpose of protecting selfish barons. But upon it has been built the economic and political liberty of England, and through our constitutional and democratic processes, the rights of the American people.

Therefore I intend to vote for the wage and hour bill, recognizing that it will have grave defects, but with the hope that it will become the Magna Carta of millions of Americans, and that upon its foundations will be built a better America. [Applause.]

I. WAGES, NORTH AND SOUTH, SOME COMPARISONS

Since making my address, I have obtained some tables and figures from the Bureau of Labor Statistics on the differences in wages paid in different parts of the country. I shall first present those generally applying, irrespective of race or color. That is because it is necessary to understand the general wage rates, showing such low rates for the South, before we take up the facts concerning the Negro question.

Common labor rates—North, 55 cents; South, 38 cents

The statistics compiled by Commissioner Lubin of the Bureau of Labor Statistics show the northern average of entrance labor rates to be $0.553, as compared with $0.389 for the southern region. This is principally in well organized industries, paying the best rates of pay.

These tables show that for the country as a whole 14.7 percent of the common laborers in industry receive less than 40 cents an hour—but that in the South, 48.4 percent are paid under 40 cents. Taking the North as one region, only 3.5 percent got under 40 cents an hour.

The table, with comparisons and explanations, is as follows:

Hourly entrance rates of adult male common laborers, by industry and region, July 1937

Industry	Average hourly entrance rate			Percentage of common laborers receiving less than 40 cents per hour		
	United States	North	South	United States	North	South
All 20 industries	$0.512	$0.553	$0.389	14.7	3.5	48.4
Manufacturing industries:						
Automobile parts	.554	.554	-------	2.9	2.9	-------
Brick, tile, and terra cotta	.457	.484	.319	20.4	10.0	74.3
Cement	.514	.553	.414	13.1	-------	46.8
Chemicals	.524	.590	.439	23.7	.1	53.6
Fertilizers	.364	.539	.279	62.2	7.2	89.0
Foundry and machine-shop products	.496	.507	.381	5.3	1.2	47.1
Glass	.504	.509	.485	3.5	.7	14.2
Iron and steel	.585	.595	.534	.9	.4	3.4
Leather	.477	.504	.387	10.3	2.0	39.0
Lumber (sawmills)	.437	.546	.245	44.9	15.1	97.4
Paints and varnishes	.552	.560	.412	2.3	.7	32.3
Paper and pulp	.477	.511	.396	14.5	1.7	44.8
Petroleum refining	.611	.642	.563	.9	-------	2.2
Rubber tires and inner tubes	.481	.482	(1)	.8	(2)	(2)
Slaughtering and meat packing	.567	.582	.474	3.6	.4	23.4
Soap	.489	.490	(1)	28.1	(2)	(2)
Public utilities:						
Electric light and power	.459	.497	.381	15.5	4.4	38.3
Electric street railways and city motorbus operation and maintenance	.475	.500	.325	23.3	13.6	83.1
Manufactured and natural gas	.473	.494	.406	6.5	.4	25.6
Building construction	.553	.636	.382	14.9	1.8	42.3

[1] Less than 50 employees; no average computed.
[2] In order not to reveal plant identity, district figures are not given.

The industries with averages ranging from 45 to 50 cents were foundries and machine-shop products, soap, rubber tires and inner tubes, leather, paper and pulp, electric street railways and city motorbus operation and maintenance, manufactured and natural gas, electric light and power, and brick and tile, and terra cotta. The lumber industry averaged 43.7 cents. The average in the fertilizer industry was 36.4 cents.

In each case where the figures are available for both regions, the averages in the North were considerably higher than those in the South. The smallest differential per hour appeared in glass, 2.4 cents; iron and steel, 6.1 cents; petroleum refining, 7.9 cents; and manufactured and natural gas, 8.8 cents. The highest differentials were found in lumber, 30.1 cents; fertilizers, 26 cents; and building construction, 25.4 cents. In the remaining industries the differentials varied from 10 to 20 cents.

In the northern region only three industries, namely, lumber, electric street railways and city motorbus operation and maintenance, and brick, tile, and terra cotta, had any appreciable number of employees paid less than 40 cents per hour.

The southern industries with the highest percentages of common laborers receiving less than 40 cents per hour were, lumber, 97.4 percent; fertilizers, 89 percent; electric street railways and city motorbus operation and maintenance, 83.1 percent; brick, tile, and terra cotta, 74.3 percent; and chemicals, 53.6 percent.

II. SUBJECT OF NEGRO WAGES DISCUSSED

Further, using actual figures from the Bureau of Labor Statistics, I find that in a majority of the well-regulated industries the Negro generally gets the same wages as the white man. Therefore, it appears to me that there is a great hullabaloo about paying the Negro less than the white man, and that the only effect it can possibly have is to force lower wages on both Negroes and whites.

I have followed a study of the Monthly Labor Review of April 1937. Taking 35,444 workers, three-fifths, or 21,501, were in establishments paying exactly the same rate to common laborers of both races.

Some Negroes get higher wages than whites

It is true that in this study there were 142 plants with 12,431 laborers which paid a higher wage to white workers.

But just in passing let me note that 21 plants with 1,512 common laborers hired Negroes at a higher rate than white laborers on the jobs to which they were assigned.

Why certain colored workers in same occupations get higher wages, I do not know. I believe a study should be made of that—it will probably indicate that the Negroes are stronger and better nourished workers even than the whites in that particular locality.

As I stated in the main body of my speech, I believe it is unjust to pay one man more or less wages on account of his race if he does equal work, and is of equal skill. And, as far as that is concerned, industries hire people who will work at competitive wages, or less. The truth is that if a man wants a job at common labor, he takes it at the common-labor wage, whether he is white or black. It is specious to argue for the right to pay a lower wage to a man with a black skin. What results is merely the right to pay low wages to all men.

I will admit the argument of some that if wages are placed low enough only Negroes may take the job, and this happens to some extent in the South and in Texas. Some industries and some establishments with very low common-labor rates have only Negroes, or have an extremely large proportion of Negroes, in their common-labor force. As a result all of the wages in those districts are depreciated.

Differentials in some classifications

In most of the southeastern States, where there is a differential between colored and white labor, this differential is only about 1 cent an hour. However, the figures from the Department of Labor show that in Arkansas, Delaware, Mississippi, and Oklahoma there was a differential of 2.6 to 4.5 cents. In the seaboard States from North Carolina to Florida and in Texas, white common laborers averaged 6 to 7 cents an hour more than Negroes. In Louisiana the differential amounted to 8.5 cents. These were mostly in other than the big and established industries, since in the latter there is less differential, or none at all.

However, without burdening this record with a large amount of statistics, I find it difficult to believe that human beings can be found to work at the wages that are sometimes offered. From some of these statistics I find wages running around 6 cents an hour; that 57 percent in a certain industry make less than 8 cents an hour. Anyone can find these full statistics in the Monthly Labor Review of May 1937.

III. WAGES PAID MEXICANS, OR LATIN AMERICANS

Mr. Speaker, in my district there are some 90,000 Mexicans, or Latin Americans, and they are of the white race. They are here called Mexicans for convenience, because they are of Mexican and Spanish extraction, some of them natives who have been naturalized and others descendants of immigrants from Mexico.

Astonishingly low wages paid pecan pickers

Concerning some of the wages paid to Mexicans, I insert the following astonishing figures which came from the NRA and are a result of an investigation:

PECAN SHELLING INDUSTRY—WAGE AND HOUR DATA ON CONTRACT LABOR IN SAN ANTONIO

(N. R. A. Research and Planning Division, Preliminary Report on the Pecan Shelling Industry, March 12, 1935, p. 22.)

As it was impossible to obtain data from the pecan dealers in San Antonio on the wages and hours of employees who worked for the contractors, questionnaires were submitted to a number of these contractors. Fourteen of them furnished complete data for 1,030 employees, of which 878 were pickers, 100 crackers, and 52 cleaners.

These questionnaires indicate that the average weekly earnings for all types of employees during December 1934, were $1.29 weekly. Specifically, by types of labor, the average weekly wages ranged as follows: Crackers, $3.39, pickers, $1.03, cleaners, $1.65.

I do not consider $1.29 what you would call excessive wages. With that wage it is very doubtful if the person would have over three or four Rolls-Royce cars with chauffeurs in livery. Nor would such wages (from 3 to 5 cents per hour) indicate many trips to gamble at Monte Carlo.

A further investigation of the State of Texas shows other common workers receiving wages averaging from 6 to 12 dollars per week; and the average annual wages of cannery workers is $536. It is also shown that the average of petroleum refinery workers—including some Mexicans, but statistics not taken by race—is around 75 cents an hour and moves up to $1 per hour.

Letter says laborers are dumb

But further concerning Mexican labor, I am enclosing herewith a letter without the name of the sender in order that he may not be embarrassed. His letter is as follows:

The prevailing wages for common labor in our line of business is 25 cents per hour. We pay our Mexican truck drivers who have been in our employ a number of years at the rate of 32 cents per hour. They average about 40 hours of work per week.

The common Mexican laborer is incapable of earning more than 25 cents per hour due to the fact that he is slow in motion and also slower in thinking. Their dumbness and slow actions do not fit them for the higher rates of pay such as are paid to laborers in the northern portions of our country.

We are opposed to fixing a higher rate of pay, as a minimum, than 25 cents per hour for Mexican labor, although we are willing to pay more where the individual is capable of earning more.

We are opposed to paying more than the usual wage where a man is called on to work for an hour or so overtime, as we do not get more pay for our materials when they are delivered at times other than our usual working hours.

Industrial wages paid Spanish-American groups

I have asked for a report on Mexican common labor from over the States in the usual occupations reported by the Labor Department. In industrial occupations the amounts paid appear to be as follows:

Average hourly entrance rate

Indiana	$0.624
California	.499
Texas	.334
Colorado	.507
New Mexico	.297
Arizona	.340

From this it can be seen that the lowest paid Mexicans are in New Mexico and the next lowest is Arizona, and then follows Texas. The reason for this is apparent. There is an oversupply of that racial group in those places, whereas in Indiana the Mexicans receive for common labor 62.4 cents. Knowing the Mexican people, I have traveled over the United States and I find they receive the same wages as all other groups outside of the Southwest, where they are concentrated. This seems to do away with the argument that they are not as intelligent as others.

At numerous times throughout history when wage rates and labor conditions have been discussed people have said that certain races or groups were not intelligent enough to get decent wages or conditions. Personally, I believe that an effort should be constantly made for better wages for all citizens, and this in order to keep up the purchasing power which alone maintains the stability of business and our capitalistic structure.

IV. CONSTITUTIONALITY AMERICAN FEDERATION OF LABOR BILL

Concerning the constitutionality of minimum-wage acts and the principles involved, I quote the following from the syllabus of the West Coast Hotel Co. against Parish et al. It is an appeal from the Supreme Court of Washington to the Supreme Court of the United States, and which was decided on March 29, 1937:

Deprivation of liberty to contract is forbidden by the Constitution if without due process of law; but restraint or regulation of this liberty, if reasonable in relation to its subject and if adopted for the protection of the community against evils menacing the health, safety, morals, and welfare of the people, is due process.

WAGES FIXED AFTER STUDY BY COMMISSION

The point is made that wages are fixed after a study of conditions. And the Court further said in the body of the opinion:

The minimum wage to be paid under the Washington statute is fixed after full consideration by representatives of employers, employees and the public. It may be assumed that the minimum wage is fixed in consideration of the services that are performed in the particular occupations under normal conditions.

In fact, the Court had held previously that certain minimum wages set by fixed amounts and without hearing were

unconstitutional. In other words, what we need at this time is a bill which is not too rigid, but one in which there are certain flexibilities, in order that it can be administered. The Green bill is an excellent idea, but might very likely be declared unconstitutional in relation to the above and other cases.

Practical features of legislation

In general, I am surprised at the excitement over the wage and hour bill. On the one hand we have those who ask a rigid bill demanding an immediate raise to 40 cents an hour while wages are being paid around 6 and 8 cents an hour; that is the reason that the rigid bill could not be immediately enforceable. The bill that we have before us provides for the setting of lower minimum wages than 40 cents an hour. It is true that no great assistance might be given some of our most submerged groups, as stated by some of the enemies of the bill.

But, if there is legislation which will be continuously showing the facts, and throwing light on the low wages paid in various sections of America, there will naturally be the continuous pressure of public opinion to bring up the lowest of the minimum wages to at least a fair level of decency.

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GILDEA].

Mr. GILDEA. Mr. Chairman and members of the Committee, the question has been repeatedly asked this afternoon, Who wants this bill?

That question should be answered. As a member of the House Labor Committee, I, and every other member of the committee who voted to report the bill out, went on record as wanting the Black-Connery fair labor-standards bill.

The Thirteenth Congressional District of Pennsylvania is a strongly organized labor district. The United Mine Workers of America have been the dominating labor force in that district since 1900. Every member of organized labor in my district wants the passage of this legislation.

A previous speaker made the remark that business today is suffering with the jitters. The speaker had his finger on the wrong pulse. It is not jitters with which industry is afflicted. Instead, it is a lack of orders due to lack of purchasing power in the pockets and in the pay envelopes of American workingmen and workingwomen. The basic industry of my district, anthracite-coal mining, is working part time solely because consumer demand has shrunk from 100,000,000 tons of anthracite coal per year to 56,000,000. We cannot restore lost markets to the anthracite industry, nor can we give purchasing power to American families, who are cold tonight and who would buy coal if they had the means, unless a substantial bottom is placed under the national wage structure and the machine challenge is met by limiting the national workweek.

This the pending bill proposes to do. Forty cents per hour multiplied by 40 hours per week, by 52 weeks in the calendar year gives the workers who will come under the minimum-wage standard of this bill a yearly income of $832, an amount equivalent to a Congressman's salary for 1 month. Let those of us elected on the promise to go the full distance with President Roosevelt in making the New Deal fulfill its promise answer to our constituents and to ourselves as to whether or not we can afford to do less than establish this minimum.

Crocodile tears have been shed in the Well of the House this afternoon for fear the minimum may become the maximum.

The safeguard against that fear rests with organized labor. The C. I. O. and the American Federation of Labor have both demonstrated their ability to protect their membership. Organized labor is not worrying about maximums. The effort is continuously being made to better maximums, and this struggle will go on whether this Congress takes steps to protect the unorganized or whether it does not.

There is no real difference between the members of the House Labor Committee on the provisions of this bill. Some members would change the Senate bill and substitute for the Fair Labor Standards Board, provided in the Senate bill, an administrative agency within the Department of Labor which would look to the various State departments of labor set-ups for administrators who would be more or less voluntary.

The American Federation of Labor is opposed to the establishment of a central board of control because, as has been said by Mr. Green, of unpleasant experiences with the National Labor Relations Board.

If ever an agency of this Government has justified its existence, that agency has been the National Labor Relations Board. Conditions in business and industry were most chaotic when the Liberty League lawyers 10 months ago were taking time out to advise industry the National Labor Relations Act was unconstitutional and they should make no effort to live up to it.

The Supreme Court decided otherwise, and in the short period of a half year we have seen labor and industry get back in stride. The American Federation of Labor increased its membership by some 831,671 new members in the 12 months intervening between August 1936 and August 1937.

The C. I. O. with 1,440,000 members on its rolls in December 1936 now has enrolled 3,718,000 militant workers for better labor conditions.

Two thousand one hundred and fifty cases were filed with the Labor Relations Board by the American Federation of Labor and 720 of these cases were settled. The C. I. O. filed 2,337 cases and have seen adjusted 670 cases.

The greatest gain recorded was the restoration of 7,010 men to their jobs, men dismissed for union activities. The restoration of these men did establish the principle of collective bargaining, more effectively and more efficiently than any hit or miss law could establish that principle, and certainly it is folly to argue against the pending bill, the unsound theory that America does not want a board to enforce the law.

The alternative offered by the American Federation of Labor to place the administrative agency in the Department of Justice is not labor's way, nor is it the American way, because of adjustments that must be written regardless of gestures to the gallery that if we want a labor bill, let us write one that will be hard and fast. The only difference between the American Federation of Labor proposed substitute and the bill offered by the Labor Committee is simply this, the Labor Committee does not feel the country is quite ready for the drastic, though more liberal provisions of the Green substitute.

Another thought advanced here this afternoon is that this is not the original Connery bill. I rode as far as Philadelphia with Billy Connery on his last visit home. He was pleased with the progress made in the joint sessions of the Senate and House committees. He had thrown the full force of his generous nature and undying faith in the integrity of organized labor behind his effort to write a bill that could be accepted by Congress and the country at large. Nobody knew better than Billy Connery the problems entering into the writing of legislation so important as wage-hour regulation. As I said, he was pleased with the progress made. He was happy to think that this bill would bear his name. If he were here today, he would be at the table steering this legislation through the shoals besetting it, and those who call upon his memory to defeat the measure are not keeping faith with a man who always kept faith with labor.

The esteemed chairman of the Labor Committee, who succeeded to a post that meant carrying on as Billy Connery carried on, is not offering the fair labor standards bill as the illegitimate offspring of an unthinking committee. The House Labor Committee sat through many long and exhaustive hearings in the heat of last summer. The committee worked with an able committee representing the Chamber on the other side of the Capitol. The committee did the best it knew how. It offers a bill that is acceptable to over 50 percent of organized labor as represented by the two outstanding labor organizations. Before our committee John L. Lewis and William Green both endorsed the principle of the measure, but both gentlemen wanted the perfected bill to cover more ground. Sidney Hillman endorsed the measure without reservation.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GILDEA. When Mr. Hillman was asked by Senator Black why he endorsed the fair labor standards bill wholeheartedly and the other two distinguished labor leaders did not, Mr. Hillman said:

I suppose it is because my experience has always been in the underpaid wage class, the class that will benefit most by establishing minimum standards.

And to you ladies and gentlemen of the Committee, I submit that answer as the reason why all of us should support a 40-cent bottom to wages and a 40-hour top to hours. [Applause.]

Mr. WELCH. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. MAVERICK].

STUFFED WHITE OR GREASY BLUE SHIRT—AND JUSTICE

Mr. MAVERICK. Mr. Chairman, at the time I made my talk I did not know of a letter signed by Mr. Homer Martin, international president of the Automobile Workers of America, in which he said:

That an unfavorable vote on this bill or failure to vote or pair in favor will not be forgotten next year when Representatives ask their constituents to reelect them, as this will be the acid test of a Representative's real position.

I want to include Mr. Homer Martin, who is a friend of mine, in what I said about the rest of those writing letters telling us how to vote. I think the time has come for all persons, whether they have a stuffed white shirt or a greasy blue shirt, to understand that information fairly presented is more effective.

Anyhow, I believe the letter sent by Mr. Martin is indiscreet, and I believe that Mr. Martin, as well as a lot of other letter writers in the country, had better learn a little manners.

HONEST CONGRESSMEN VOTE WITHOUT COERCION

I want to say to my colleagues that there are a lot of organizations in this country, the Chamber of Commerce, the Manufacturers Association, and all the rest of them, taking attitudes. That is their right.

But in the end we must make up our own minds, form our own conclusions, and without coercion.

My attitude has not anything to do with the C. I. O. or the A. F. of L. or Chamber of Commerce, or any other organization. What I do is of my own volition and what Mr. Martin, Mr. Lewis, or Mr. Green says has not anything to do with it.

They are no doubt all good men, but I believe I know something about the rank and file, too. What labor should do is to get together. [Applause.]

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. ALLEN].

Mr. ALLEN of Pennsylvania. Mr. Chairman, legislation of this kind is a very necessary adjunct to the machine age in which we live. Our engineering and inventive genius following the immutable laws of science have solved for the first time in history the problem of mass production, but, unfortunately, our business leadership has failed to realize to a large extent that mass production requires mass consumption at the same time, if our economy is to remain in balance. I believe that every technical advance, every improvement in our machinery in this country, must simultaneously be accompanied by a decrease in selling prices and an advance in wages. I think this statement is self-evident. What good does it do to produce if you cannot sell, and how in the world can you sell goods if the masses of our people do not have the money with which to buy back the very things which they are making day after day in our factories?

The situation today is somewhat akin to that of a voracious monster which turns around and starts eating its own tail and keeps on going until it arrives at its mouth. We produce, but we cannot sell. We build up a great technological machine, a great mechanical force in this country capable of producing in terms of thousands and even millions where a few years ago we were producing by hand in quantities of hundreds.

We have failed to realize that buying power is a necessary adjunct to production. This is the purpose of this legislation being considered today. Instead of passing on the benefits of this machine age in terms of lower selling prices and higher wages, all too great a measure of the benefits which have accrued from machinery have gone into the hands of a few people, those who control our mechanical forces, and this is the real reason for the inequitable distribution of the wealth of the Nation today.

I say that if our people cannot buy back that which they are producing, men will be thrown out of work in ever increasing numbers from now on. If a man receives $50 a week, it is a matter of plain common sense that he can buy only fifty $1 articles, and if the price of these articles is advanced so that he can buy only 40 tomorrow where he bought 50 today, then the men employed in making the other 10 units are automatically thrown out of work. What business needs in America is customers more than it does confidence. If we will furnish business customers, I believe that the confidence end will take care of itself. I think it is an absolute contradiction to say, let us encourage business, let us give business confidence, so that it will expand its productive machinery, when already the productive machinery of business is geared so high that the people cannot consume that which is produced. What common sense is there to increase the productive capacity of business in this country when today under present circumstances we cannot consume that which we are producing? If we will raise the wages among those segments of our population which are on the very fringe of our economic system, the submerged groups, so to speak, and give them buying power, then, and then only in my opinion will the wheels of our factories start turning once more. [Applause.]

Mr. WELCH. Mr. Chairman, I have no further speakers today.

Mrs. NORTON. Mr. Chairman, will the gentleman yield some time to this side?

Mr. WELCH. I cannot do that. I have demands far in excess of the time I have at my disposal.

Mrs. NORTON. Mr. Chairman, while the gentleman from California is getting his speakers on the floor I yield 10 minutes to the gentleman from Colorado [Mr. MARTIN].

COMPARISON OF SENATE AND HOUSE CHILD-LABOR PROVISIONS

Mr. MARTIN of Colorado. Mr. Chairman, I have some first-hand knowledge of child labor and of long hours and low wages. I left school at the age of 14 years to go into a tobacco factory and work 72 hours a week at $4.50 a week, and since I became of age I have worked on the section a 60-hour week for $6.60 a week.

After a study of the Senate bill and the House committee amendments, I can say that I can go along with the bill as presented except in one very important matter, and that is the child-labor feature of the bill. The original Black-Connery bill carried certain limited child-labor provisions which were replaced by the Senate Labor Committee with the provisions to which I shall refer specifically in a moment, and I invite the close attention of Members to an analysis which I shall make.

When the bill came up in the Senate these provisions were voted down, and in their place was substituted what is known as the Wheeler-Johnson child-labor amendment by a roll-call vote of 57 to 28.

The House Labor Committee has thrown out the Wheeler-Johnson amendment in toto and reinstated the discarded Senate Labor Committee amendment. It is word for word the Senate Labor Committee amendment which had been eliminated in the other body and the Wheeler-Johnson amendment substituted.

The action of the Senate was taken not only after searching debate by leaders who are outstanding proponents of child-labor legislation and who had their own bills pending but after it had been agreed by them that the Senate Labor Committee amendment was an unconstitutional delegation of legislative power to the bureau in which it proposed to vest jurisdiction.

I find it impossible to understand such an attempted delegation of power to a department bureau as I shall undertake to show this provision to be. In a word, it hands over to the bureau not only all the children under 18 years of age in the country but it also hands over the law.

Before taking up an analysis and comparison of the House committee amendment and the Wheeler-Johnson amendment I want to refer briefly to the genesis and history of this child-labor legislation. The first Child Labor Act was passed by Congress in 1916. It prohibited the transportation in interstate commerce of the products of child labor in certain named industries. It was held unconstitutional by the Supreme Court by a 5-to-4 decision in the case of Hammer against Dagenhart June 3, 1918.

That act was sponsored in Congress by Hon. Edward Keating, then a Member of the House from Colorado, and for the past 20 years the managing editor of Labor, the official organ of the 21 standard labor railroad organizations, and, in my opinion, the outstanding labor publication in the United States.

During all the ensuing years, Mr. Keating never lost his interest in child-labor legislation, and encouraged by the liberal trend of decisions rendered by the Supreme Court early this year, he decided to try for the reenactment of his original child-labor bill. At his instance his original bill, with some modifications which it was thought would make it more acceptable to the Supreme Court, was introduced in the Senate by Senator JOHNSON of Colorado and by myself in the House.

Later it was decided by the Senate Interstate Commerce Committee at a hearing on child-labor bills to broaden the approach of the bill in the matter of methods of reaching the objective, and a consolidation of bills by Senators WHEELER and JOHNSON was effected and introduced as Senate bill 2226. At the same time I introduced a counterpart bill in the House, H. R. 8306.

I shall first analyze the House committee amendment, and I shall begin by saying my objections to it are fourfold:

First. It sets up no standards within which the administrator shall exercise the vast discretionary powers vested in him.

Second. It vests discretionary power in the Chief of the Children's Bureau to exclude any and all children under 16 years of age, in any and all occupations, from the protection of the law.

Third. It vests discretionary power in the Chief of the Children's Bureau to exclude from the protection of the law against hazardous occupations any and all children between the ages of 16 and 18 years.

Fourth. It provides but one method of dealing with child labor when several separable methods are available.

Now, let me briefly analyze the House committee provision to see whether these objections are sustained by the provision itself. First, let me say that this provision is as unique in its arrangement in the bill as it is in its language. The prohibition of child labor is to be found in paragraph (e) of section 27, page 53, which is the penalty section—a singular place to put substantive law; while the mechanics of the amendment and its standards and limitations, if any, are to be found in paragraph 10, section 2, page 6—the definitions section. It reads as follows:

> No producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce any goods produced in any establishment situated in the United States in or about which, within 30 days prior to the removal of such goods therefrom, any oppressive child labor has been employed.

Now we must go back to a proposed amendment to the section on definitions for the definition of oppressive child labor and for the standards and limitations, if any, which are to be applied for the guidance of the administrator of the law. In order that it may be easily understood, I boil the definition down to its substantive words, and I shall deal first with the provisions relating to children under 16 years of age.

Oppressive child labor means a condition of employment under which any person under the age of 16 years is employed by an employer—other than a parent—in any occupation.

This would seem to be clear and final; but when we go to the last paragraph of the definition of oppressive child labor, we find that the Chief of the Children's Bureau may exempt any employee under the age of 16 years in any occupation which he shall deem not to constitute oppressive child labor. I quote:

Now, listen:

> If and to the extent that the Chief of the Children's Bureau determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

The power to exempt is thus placed in the hands of the bureau chief to the extent that he determines such employment will not interfere with schooling and to conditions which will not interfere with their health and well-being. These conditions, I submit, may embrace all children capable of employment. There is no limit.

The paragraph simply means that the Chief of the Children's Bureau can exempt any one or more children under 16 years of age from the protection of the law; he can differentiate between the same type of children in the same occupation and between the same type of occupations in the same or different localities. I think it was rather clearly pointed out in the debate in the other body, that the opinion of the Chief of the Children's Bureau would be the law of the case. He may decide without let or hindrance who of the 8 to 10 millions of children under 16 years of age brought under this law may work and who may not. The President has placed at 12,000,000 the number of children to be affected by child-labor legislation, that is, 12,000,000 actually employed.

The administration of this provision would require a national network of personnel reaching into every school district in the land. The length of school terms and other conditions may and do differ in 10,000 different school districts. Then every one of these millions of children must necessarily be examined by a physician and must be reexamined and kept under medical supervision to determine whether, if exempt, they may continue exempt from the law. And there is no bottom age limit, no age minimum. They can be exempt at the age of 14 years, 12 years, 10 years, 8 years, or 6 years, and subjected to labor, provided the Chief of the Children's Bureau, who will never see or hear of the individual child, decides through some local supervisor somewhere in the land that it may work or not work; and it will be the same with all the millions of such children under the law. The favoritism, the discrimination, the abuses in any such system would be innumerable and insufferable, to say nothing of the cost.

I now pass to the class between 16 and 18 years of age. For the sake of clearness I shall quote the substantive words:

> Oppressive child labor means any such employee between 16 and 18 years of age, employed by an employer (other than the parent)—

Now listen—

> in any occupation which the Chief of the Children's Bureau declares to be particularly hazardous or detrimental to health and well-being.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I am very sorry to deny such a distinguished humanitarian. I have not the time. I wish I could.

Mr. Chairman, I have given you all of the provisions with respect to child labor in hazardous occupations. There are no standards set up; no investigation required by the Chief of the Children's Bureau; no gathering of information; no findings of fact; nothing but that he may from time to time declare an occupation to be particularly hazardous. His naked ipse dixit is the law. The opinion that this provision is an unconstitutional delegation of legislative power is not limited to lawyers. Strange as it may seem, in view of the fact that the House committee has brought this discarded Senate committee provision back in, it is shared by no less

an official than the Chief of the Children's Bureau. On page 40 of the hearings of the Senate Interstate Commerce Committee on a similar provision occurs the following:

The CHAIRMAN. Might there not be a question as to whether or not you could delegate the power to some bureau for the determination of what constitutes and what did not a hazardous occupation?

Miss LENROOT. I think it would be much better in this attempt to develop a child-labor bill to pick out a few occupations which we know on the basis of experience constitute the greatest hazards and specify them directly in the bill, and not attempt to go into the area of delegation of power, which does raise certain constitutional questions.

The abuses to which this unlimited discretion would be subject in the matter of hazardous occupations are as unlimited as the provision with respect to the exemption of children under 16 years of age. There must be not less than 4,000,000 children between the ages of 16 and 18 years, all to be placed under the chief of a bureau having now no comparable jurisdiction or administrative machinery and without a single standard or limitation for check or guidance in the law.

I may also call attention to the fact that the definition is silent as to employment of children under 16 in hazardous work. That part of the definition applies only to children between 16 and 18. Does this leave a hiatus in the law with respect to children under 16? Are they fully protected from hazardous occupations by the definition of oppressive child labor respecting children under 16? If it does nothing more, the failure to apply the hazard clause to all children under 18 years of age, as is done in the Wheeler-Johnson amendment, raises a question as to the quality of workmanship in the House committee amendment; and if it gets into court, which it will when children under 16 get injured, it may raise a much more serious question.

Here are three more important differences between the bills:

First. The Wheeler-Johnson amendment exempts agriculture. The House committee amendment does not. If it is claimed that the agricultural exemptions of the wage-hour parts of the bill apply, then I reply that you are exempting child labor from all the seasonal industries auxiliary to agriculture. And if the wage-hour agricultural exemptions apply to child labor, where does the application of the wage-hour bill stop? Are we to search the entire bill for child-labor law?

Second. The Wheeler-Johnson amendment protects common carriers, which may rely on the statements of shippers. The House committee amendment does not protect them.

Third. The Wheeler-Johnson amendment empowers the administrator to inspect places of employment and records. The House committee amendment does not. It seems to me this is very important.

Fourth. The Wheeler-Johnson amendment makes it unlawful to aid or assist in the transportation of such child-labor goods or to sell such goods. The House committee amendment is silent on these essential matters.

One parting shot. The 30-day limit in the House committee amendment, after which child-labor goods may be shipped from the plant, opens ways for escapement. A plant could stock up with child-labor goods, shut down for 30 days, then ship and avoid the law. Depend upon the exploiters of child labor to find the ways. The Senate limit is 6 months. There ought to be no limit except ordinary statutes of limitation. However, the Senate limit is six times better than the House committee limit.

Now, let me turn to the Wheeler-Johnson amendment, and let me say, first, that while it includes as one method of approach the prohibition of shipment in interstate commerce, it provides a three-way approach:

First. The first method is the subjection of child-labor goods to the laws of the State or Territory into which they are shipped, and prohibits the shipment in of such goods in violation of the law of such State or Territory. There are now some good State laws, and this provision may result in others.

Second. The second method requires the labeling of child-labor goods, carrying the name and address of the shipper and the consignee, the nature of the goods, and the kind of work with which child labor was utilized in the production of the goods. This is regarded by labor as a strong deterrent.

Third. The third method makes it unlawful to transport child-labor goods in interstate commerce.

It is confidently believed that the first and second methods, subjecting the goods to State laws and labeling, will be sustained by the Supreme Court under the decision on the Prison Goods Act, which employs both of these methods, and other recent liberal decisions of the Court regarding labor legislation.

It is hoped that the third method—prohibition in interstate commerce—will be sustained and Hammer against Dagenhart overruled for the reasons controlling in the Prison Goods case and other recent liberal decisions.

If the third method is not sustained—mark this—if the third method is not sustained, then the House committee amendment, which rests solely on the prohibition of shipment in interstate commerce, would also fall, and nothing would remain.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I am very sorry, but I cannot yield. I have not the time.

In the Senate Interstate Commerce Committee hearings in May 1937 on five child-labor bills, it was the consensus of committee opinion that all these approaches, which were carried in one or the other of the bills, should be consolidated in one bill, and the result was the Wheeler-Johnson amendment to the wage-hour bill in the Senate. It was stated to the Senate committee by Mr. Keating, who was the first witness at the hearings, that if the prohibition of shipment approach fails in the courts, a great advance would still be made by the other two methods. I do not see how there is any room to question the wisdom and desirability of combining these several approaches to the objective, with a separability clause, as against a proposal which rests upon only one of these methods, and that one the most doubtful.

Now, let me pass to the definitions of child labor in the Wheeler-Johnson amendment and the standards set up in the definition. The Wheeler-Johnson amendment defines child labor. I quote:

As employment of a human being under the age of 16 years, and as employment of a human being under the age of 18 years at "extra hazardous work"—

Now listen—

at extra hazardous work specified by regulations promulgated pursuant hereto, which specifications shall be based on facts found by the Secretary of Labor as to the relative possibility of injury or detriment to health involved in the various types of employment, after necessary information on the subject has been collected by him or derived by him from sources known to be reliable.

The difference between this definition and that in the House committee amendment may be seen at a glance and stated in a sentence. In the Senate amendment there is no discretion permitting multitudinous and unlimited exemptions under the age of 16 as in the House committee provision; and under the age of 18 the procedure in determining hazardous work is prescribed, a procedure wholly lacking in the House committee provision.

Administration of the law is placed in the Department of Labor. I shall not quarrel with where you place it. None of these jurisdictional quarrels go to the merits of either wage-hour or child-labor legislation, and we should not permit them to do so. But, wherever it goes, it should go as definitely worded as we can make it, and it should go implemented with every arrow that may hit the target.

I have not had time to cover all of the Senate amendments. It is a complete piece of child-labor legislation. There is no comparison between the two proposals. I have pointed out fatal defects in the House committee amendments. I have raised material questions which should be satisfactorily answered.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I am sorry; I cannot yield.

Mr. Chairman, I think the Members ought to have the opportunity of hearing this analysis.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask the lady from New Jersey to grant me 2 minutes more.

Mrs. NORTON. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Mr. Chairman, I have not the time. Get me the time and you can ask the questions. I understand the gentleman's attitude on this legislation and why. An analysis of the House committee amendment shows that it is nothing more than a gesture. It has not a leg to stand on in any court. It is defective in every important particular. On the other hand, the Wheeler-Johnson amendment was put into this bill in the Senate after a thorough and searching debate by the ablest wage-hour and child-labor leaders in that body and is sound legislation, thoroughly worked out if you will read it, and I propose, when the time comes for amendment, to oppose the House committee amendment and if it is voted down then to move to reinsert in the bill the Wheeler-Johnson amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mrs. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, my distinguished colleague on the Rules Committee, the gentleman from Michigan [Mr. MAPES] today made certain remarks in reference to this bill being before the Committee on Rules. Of course, a bill is never before the Rules Committee. It is not a legislative committee. It considers, principally, resolutions for the consideration of bills. The confusion in this respect has been profuse in the press and in statements made on this floor. By the same token the Rules Committee could never prevent the consideration of a bill reported from a standing committee, as this bill was. That subject is another confusion pervading places occupied by persons not familiar with the rules of the House of Representatives.

The gentleman said, first, that the rule was never called up in the Rules Committee. That is correct.

He said that no representative of the Labor Committee ever appeared before Rules Committee. That is correct.

He said that no hearing was held by Rules Committee. That is correct.

He said that no vote was held in the Rules Committee. That is correct.

He said that the distinguished gentlewoman from New Jersey [Mrs. NORTON], chairman of the Committee on Labor, never appeared before the Rules Committee. That is correct.

All those statements are correct. But the explanation, in all fairness to the distinguished gentlewoman from New Jersey and the Committee on Labor, is just this: The gentlewoman from New Jersey asked for a hearing before the Rules Committee several times, in the usual manner, conferring with me in reference to a hearing, the customary procedure. I finally agreed to give her a hearing before the Rules Committee and promptly called a meeting of the Rules Committee for that purpose. For several days, up to the morning of the scheduled meeting, I sought to obtain sufficient votes in the Rules Committee to be able to vote out a rule for the consideration of the wage and hour bill. On the morning of the meeting I consulted with the Speaker and the majority leader, and we all knew there were not enough votes in the Rules Committee to report out a rule. That being the situation, we all agreed that the practical course to take was to call off the meeting of the Rules Committee and make further efforts to receive the necessary votes.

That is the only reason the distinguished lady from New Jersey or other Representatives of the Labor Committee did not appear before the Rules Committee. In fairness to them, I state that they did everything within their power to secure a rule. They were ready and willing to appear, but it was obviously futile to hold a meeting of the Rules Committee when there clearly were not sufficient votes to report out a rule for the consideration of the bill.

The CHAIRMAN. The time of the gentleman from New York [Mr. O'CONNOR] has expired.

Mr. KELLER. What was the attitude of the gentleman from Michigan?

Mr. O'CONNOR of New York. I do not know.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. NORTON. Mr. Chairman, does the gentleman from California desire to use some more time?

Mr. WELCH. I cannot use any more time right now.

Mrs. NORTON. The gentleman has nobody on his side who is opposed to this bill. That is fine.

Mr. WELCH. There are a number of Members on this side of the aisle who desire to be heard and will be heard tomorrow. They are not available at this time.

Why not proceed and use some of your time?

Mrs. NORTON. I may say I have used considerably more time than the gentleman from California has used. In all fairness, we would like to hear the arguments on the other side.

I yield 5 minutes to the gentleman from New York [Mr. CURLEY].

Mr. CURLEY. Mr. Chairman, ladies and gentlemen of the Committee, I am one of the 27,000,000 members of the Democratic Party who voted for the New Deal in November 1936 who wishes to keep faith with my own constituency as well as the constituencies throughout the country. And, in direct contradiction to the statements made by my friend Mr. DIES today that the platform of the Democratic Party does not contain anything which calls for Members of Congress on the Democratic side of the House to live up to, may I point to you just a few of the paragraphs in the Democratic platform of 1936:

We hold this truth to be self-evident, that the test of a representative government is its ability to promote the safety and happiness of the people.

We hold this truth to be self-evident, that this 3-year recovery in all the basic values of life and the reestablishment of the American way of living has been brought about by humanizing the policies of the Federal Government as they affect the personal, financial, industrial, and agricultural well-being of the American people.

We hold this truth to be self-evident, that government in a modern civilization has certain inescapable obligations to its citizens, among which are:

(1) Protection of the family and the home.

(2) Establishment of a democracy of opportunity for all the people.

(3) Aid to those overtaken by disaster.

Now, Mr. Chairman, I heard my esteemed friend and colleague from Texas, Mr. DIES, make the statement here today that if this bill were passed it only would affect some 500,000 people. As a matter of fact, if the gentleman had looked over the testimony submitted at the joint hearing, he would have found statistics which would indicate that 4,000,000 at the very least would be affected by the passage of this bill.

I also heard somebody say that William Green, president of the American Federation of Labor, was opposed to this bill. Let us look over the history of this situation and let us face the facts. Let us turn to page 211 of the minutes of the hearing on the Fair Labor Standards Act of 1937, part I:

STATEMENT OF WILLIAM GREEN, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR

Mr. GREEN. Mr. Chairman and gentlemen of the committee, the American Federation of Labor, by action of its executive council on May 28, 1937, endorses, together with the additional sections to be offered herewith, the proposed Fair Labor Standards Act of 1937 as formulated in the Black-Connery bill introduced in the Congress of the United States on May 24, 1937.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. CURLEY. I do not yield, Mr. Chairman.

Now, Mr. Chairman, I object to the gentleman interrupting. He has not been just to 426 Members of this House, as a member of the Rules Committee, when he did not give this House a chance to consider this legislation. Now he asks me to be just to him. Well, well, well. [Laughter.]

The time has arrived for the enemies of the true facts to join hands with the disciples of the constitutional right of every person to equal opportunities, in keeping with American traditions, and strive for a frank and intelligent recognition of this wonderful opportunity to rehabilitate the mass of distressed workers of America. Let us join together to drive this existing tragic condition or blight out of our American life. The paralysis which handcuffs misery and poverty to 8,000,000 heads of families, and registers such a colossal financial loss in purchasing power because they cannot find a job, needs strong, powerful social treatment to remove that economic strait jacket. It is my humble judgment that the Black-Connery bill, if enacted into law, will help materially in reaching that human objective. Good government exists when those who are near are made happy and those far off are attracted. Go before the people and be laborious in their affairs. The essence of any remedy to relieve poverty and distress is a good job at a decent living wage and reasonable maximum hours of labor. President Roosevelt started us off on a straight course ahead in leading the Nation to economic victories. He did not turn corners to look for prosperity, and he will not do it now. It is strange that every time human efforts are attempted to "jack up" the social floor level of the submerged masses of labor suffering from substandard labor conditions we hear an uproar from the "economic royalists" and their allies among the selfish business groups in industry in opposition. You can easily recognize them—the same crowd of "big business" that bartered and traded the economic birthright of the States—the right to regulate and control unfair competition in intrastate and interstate commerce.

We read of workers in cross sections of the country receiving $5 or $6 a week and of being compelled to work 50 to 60 and 80 hours a week to earn that much. Here is some food for thought for the "feudal barons" of industry and big business who are flooding the mails of the Congressmen in opposition to the Black-Connery fair standards of labor bill; and who are they? The same old kings of high finance in the boom days of 1929. "By their fruits ye shall know them"; that simon-pure stratum of constitutional lawyers who in the days gone by sold and betrayed the economic birthright of hundreds of thousands of bond, stock, and security holders on the altar of selfish greed. Those so-called saviors of the Constitution of the United States now are the same fraternity who forgot all about their legal code of ethics in the past when they sacrificed for a price the human rights of the public at large with impunity. Have you forgotten them?

SPONSORS OF FAIR LABOR STANDARDS BILL FACE ITS ENEMIES

In all my public experience of over 20 years I have never received such an avalanche of mail and telegrams from selfish, prejudiced interests containing invidious attacks as on the Black-Connery bill. Notwithstanding the concerted propaganda directed through subsidized channels at first, and later, by wide publicity purchased at tremendous expense, to poison the minds of the public and the minds of Members of Congress, the true friends of the shackled workers of America are still battling for a fair and square deal for the underpaid, exploited masses of our people. Though the critics of the wage and hour bill "have sounded the death knell" of this humane, statesmanlike legislation, it has only been "scotched" and, like Banquo's ghost, it has come back to plague them.

CONSTITUTION IS NOT A STRAIT JACKET

The Constitution is not a strait jacket, but is meant to serve all the people in all sections of our great Nation. There are critics who challenge the constitutionality of the Black-Connery bill. They allege it violates States' rights. The most of the critics using this specious contention fail to apply the truth in the attempt to reach a logical conclusion. My humble layman's opinion is that the bill is legal and constitutional, and is based on the existing public record of past precedent, which I used as a premise to work from, in the reasoning process leading to my own humble conclusions.

STARVATION WAGES, UNREASONABLE HOURS, AND CHILD LABOR MUST GO

As a member of the Labor Committee of the House of Representatives, I beg to inform my colleagues in the House we have a sacred pledge to keep before adjournment to the millions of our ill-nourished, ill-clad, and ill-housed American citizens and their families dependent upon them. We Members of the Democratic majority were elected on a platform in November 1936 which pledged a policy of humane treatment of this serious social problem affecting the economic structure of the Nation. With this worthy object in mind, the administration recommended constructive social legislation to the Congress of the United States which would tend to strengthen the weakened morale of the handcuffed workers who constitute the "forgotten men and women" of America today. This large group of our people are the exploited type so specifically requiring the protection of the strong arm of Uncle Sam. The Black-Connery fair standards of labor bill was approved by the Senate. The Labor Committee of the House held a long series of tedious public hearings and executive sessions since the early part of June, under the skillful guidance of the chairman, Hon. William Connery, Jr., who died suddenly while in the midst of the battle fighting for the passage of his bill to help labor. The gentle lady from New Jersey, Hon. MARY NORTON, succeeded to the chairmanship of the Labor Committee, and diligently continued the battle for labor, day after day, for 3 weeks until she finally, with the cooperation of her committee, submitted a favorable report of the Black-Connery bill to the House for final action thereon, and sincerely trusts the bill will be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mrs. NORTON. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentlewoman from New Jersey has 1 hour and 20 minutes remaining. The gentleman from California has 1 hour and 43 minutes remaining.

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCCORMACK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill S. 2475, the wage-hour bill, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. MAPES. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and to include therein a plank from the Republican platform on labor, and certain other short extracts.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a statement in the form of letters by the attorney general of Texas and by the comptroller in regard to the collection of cigarette taxes and the assistance that the Post Office Department should give; also to include a copy of a bill by the gentleman from Georgia [Mr. TARVER].

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days from the passage of the wage-hour bill in which to revise and extend their own remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include

therein a bulletin from the United States Bureau of Labor Statistics showing the hourly entrance rates of common unskilled workers in 20 industries.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise to remind the House that on yesterday the Japanese sank one of our gunboats. I also want to remind the House, Mr. Speaker, that Japanese goods are flooding this country. Our workers cannot compete with low-priced goods made by poorly paid labor of Japan. I also want to remind the House, Mr. Speaker, that there has been an increase in the amount of exports to Japan during 1937. I also want to remind the House, Mr. Speaker, that the chief explanation for this increase, according to the press, is that so much cotton, a war commodity, has been shipped to Japan.

I also want to remind the House, Mr. Speaker, of the extremely unfortunate Neutrality Act passed at the last session of Congress. Mr. Speaker, the reason this act is not being enforced, it is generally believed, is because it would be unfriendly to China and help Japan. It was pointed out at the time of its passage what an unwise measure it was, one that was likely to get us into trouble if enforced and very dangerous if not enforced.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, the world is in a very unhappy situation.

I think it would be well for all of us, it matters not what our feelings may be, not to add in any way to the unhappiness or unrest in the world today by any utterance of our own. [Applause.] I deeply regret, therefore, such remarks as have just been made by the gentlewoman from Massachusetts. If we are to remain neutral; yea, Mr. Speaker, if we are to remain out of war, those of us in positions of responsibility should be very careful about our public utterances and leave these matters to the executive department; at least until Congress may be called upon to take some drastic action.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LUECKE of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter which I received from Mr. Ayres, Chairman of the Federal Trade Commission, in reply to a letter of mine on the subject of milk testing.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein some speeches I made within the past month.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, but not on the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend and revise my own remarks in the RECORD and include therein a statement by J. Warren Madden, Chairman of the National Labor Relations Board, which he made this morning on the subject of freedom of the press.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to propound a question of the majority floor leader.

The SPEAKER. The gentlewoman from Massachusetts [Mrs. ROGERS] asks unanimous consent to propound a question to the majority leader. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, no one wants war or entangling alliances any less than I do. I want to keep us out of war, to keep us out of entangling alliances.

Mr. PATMAN. Mr. Speaker, I demand the regular order.

Mrs. ROGERS of Massachusetts. Will the majority leader make a suggestion as to what we can do in the way of neutrality legislation to improve the situation?

Mr. RAYBURN. That is not my responsibility at the moment.

Mrs. ROGERS of Massachusetts. Whose responsibility is it to enact neutrality legislation if not the Congress?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WARREN, indefinitely, on account of death in family.

To Mr. REILLY (at the request of Mr. BOILEAU), for 1 week, on account of death in family.

To Mr. BOYLAN of New York, indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the Child Labor Act of 1916.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3114. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River between Colbert County and Lauderdale County, Ala.; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mrs. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until tomorrow, Tuesday, December 14, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold a public hearing on H. R. 8532, to amend the Merchant Marine Act, 1936, to further promote the merchant marine policy therein declared, and for other purposes, in room 219, House Office Building, on Tuesday, December 14, 1937, at 10 a. m.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, Old House Office Building, at 10: 30 a. m., on Wednesday, December 15, 1937, for hearing on H. R. 8549, for public consideration of bill to deny United States citizenship to persons advocating government by dictatorship.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary in room 346, House Office Building, Wednesday

morning, December 15, 1937, at 10:30 a. m., on House Joint Resolution 199, proposing an amendment to the Constitution of the United States to provide a referendum on war.

The Special Bankruptcy Subcommittee of the Committee on the Judiciary will hold a public hearing on the Frazier-Lemke bill, S. 2215, to amend section 75 of the Bankruptcy Act, in the Judiciary Committee room at 346, House Office Building, on Friday, December 17, 1937, at 10 a. m.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. CROSSER's subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Thursday, December 16, 1937. Business to be considered: Hearing on House Joint Resolution 389, distribution and sale of motor vehicles.

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, December 16, 1937. Business to be considered: Hearing on S. 1261, through-routes bill.

There will be a meeting of Mr. MARTIN's subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, January 4, 1938. Business to be considered: Hearing on sales-tax bills, H. R. 4722 and H. R. 4214.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday January 11, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

886. A letter from the Under Secretary, Department of State, transmitting from the Nobel Committee of the Norwegian Parliament a copy of the committee's circular furnishing information with reference to proposals of candidates for the Nobel peace prize for the year 1938; to the Committee on Foreign Affairs.

887. A letter from the Attorney General, transmitting a draft of a bill proposing an amendment to the Employees Compensation Act applicable to civil officers of the United States; to the Committee on the Judiciary.

888. A letter from the Secretary of the Interior, transmitting a bill to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, and for other purposes; to the Committee on the Civil Service.

889. A letter from the national legislative committee of the American Legion, transmitting a copy of the financial statement of the American Legion for the 10 months of the current year 1937; to the Committee on World War Veterans' Legislation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOTT: A bill (H. R. 8686) to aid in providing a permanent mooring for the battleship *Oregon;* to the Committee on Military Affairs.

By Mr. VOORHIS: A bill (H. R. 8687) to amend the United States Housing Act of 1937; to the Committee on Banking and Currency.

By Mr. MERRITT: A bill (H. R. 8688) to authorize the acquisition of the outstanding interests in land in the military reservation of Schenectady General Depot, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. BIGELOW: A bill (H. R. 8689) to authorize a preliminary examination and survey of Miami River in the State of Ohio for flood control and for other purposes; to the Committee on Flood Control.

By Mr. GASQUE: A bill (H. R. 8690) granting a pension to widows and dependent children of World War veterans; to the Committee on Pensions.

By Mr. SCRUGHAM: A bill (H. R. 8691) to amend the Taylor Grazing Act; to the Committee on the Public Lands.

By Mr. SUTPHIN: A bill (H. R. 8692) authorizing and directing the establishment of a training station for enlisted personnel of the United States Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. NICHOLS: Resolution (H. Res. 382) to amend rules X and XI of the Rules of the House of Representatives; to the Committee on Rules.

Also, resolution (H. Res. 383) to amend rules X and XI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. SCOTT: Joint resolution (H. J. Res. 537) authorizing the President of the United States, in cooperation with other nations, to suspend economic relations with Japan; to the Committee on Foreign Affairs.

By Mr. LEWIS of Maryland: Joint resolution (H. J. Res. 538) authorizing the President of the United States, in cooperation with other nations, to suspend economic relations with Japan; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEITER: A bill (H. R. 8693) conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Andrew Count Pulaski against the United States; to the Committee on Claims.

By Mr. GREEN: A bill (H. R. 8694) for the relief of Mrs. J. H. Greene, Anna Harvey, and Mrs. S. E. Elmore; to the Committee on Claims.

By Mr. JOHNSON of West Virginia: A bill (H. R. 8695) granting a pension to Araminta Webb; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 8696) for the relief of Ruby Z. Winslow; to the Committee on Claims.

By Mr. O'BRIEN of Michigan: A bill (H. R. 8697) for the relief of Floyd F. Buck; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3591. By Mr. ALLEN of Louisiana: Petition of Mrs. W. C. Abrams and others with reference to participation of the United States in any war on foreign soil; to the Committee on Foreign Affairs.

3592. By Mr. BOYLAN of New York: Resolution adopted by the New York and New Jersey Dry Dock Association at a meeting held December 1, 1937, in New York City, opposing the passage of House bills 7365 and 7863 transferring the work now being done by the Corps of Engineers of the United States Army to another governmental department with civilian supervision, etc.; to the Committee on Rivers and Harbors.

3593. By Mr. CULKIN: Petition of Local 15, International Woodworkers of America, Escanaba, Mich., urging an embargo on all shipments of whatever nature to or from Japan until armed forces of Japan are withdrawn from China, including Manchuria; to the Committee on Interstate and Foreign Commerce.

3594. Also, petition of Local 15, International Woodworkers of America, Escanaba, Mich., urging repeal of legislation and policies interfering with shipments of arms and materials to Spain and placing of embargo on shipments to Italy and Germany until such time as all armed forces of Italy and Germany are withdrawn from Spain; to the Committee on Interstate and Foreign Commerce.

3595. Also, petition of the Lewis County Pamona Grange, Lewis County, N. Y., opposing enactment of the Black-Connery wage and hour bill; to the Committee on Labor.

3596. Also, petition of the Cape Vincent Grange, No. 599, Cape Vincent, N. Y., opposing enactment of the Black-Connery wage and hour bill; to the Committee on Labor.

3597. By Mr. LUTHER A. JOHNSON: Petition of Hon. William McGraw, attorney general of the State of Texas, favoring House bill 8045, authorizing the Post Office

Department to cooperate with the States in the collection of State cigarette and tobacco taxes; to the Committee on the Post Office and Post Roads.

3598. Also, petition of the City Council of the city of Hillsboro, Tex., opposing reduction of funds for Federal highways; to the Committee on Roads.

3599. By Mr. KEOGH: Petition of the Merchants' Association of New York, concerning the Norris bill (S. 2555) and the Mansfield bill (H. R. 7365) for the establishment of regional authorities; to the Committee on Rivers and Harbors.

3600. By Mr. MEAD: Petition of 66 Buffalo, N. Y., citizens, urging favorable action on the Capper-Culkin bill to prohibit the advertising of liquor by radio; to the Committee on Interstate and Foreign Commerce.

3601. By Mr. PFEIFER: Petition of the Merchants' Association of New York, concerning the Norris bill (S. 2555) and the Mansfield bill (H. R. 7365); to the Committee on Rivers and Harbors.

3602. By Mr. SHANLEY: Petition of the citizens of Waterbury in condemnation of the growth of Nazi activities in the United States; to the Committee on the Judiciary.

3603. By the SPEAKER: Petition of the Michigan Good Roads Federation, regarding the rejection of any efforts to curtail Federal appropriations for highway development; to the Committee on Roads.

3604. Also, petition of the Industrial Union of Marine and Shipbuilding Workers of America, Local No. 18, Mobile, Ala.; to the Committee on Labor.

SENATE

TUESDAY, DECEMBER 14, 1937

(Legislative day of Tuesday, November 16, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, December 13, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	King	Pope
Andrews	Davis	La Follette	Radcliffe
Ashurst	Dieterich	Lee	Reynolds
Austin	Donahey	Lodge	Russell
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Lonergan	Schwellenbach
Barkley	Frazier	Lundeen	Sheppard
Berry	George	McAdoo	Shipstead
Bilbo	Gibson	McCarran	Smathers
Bone	Gillette	McGill	Smith
Borah	Glass	McKellar	Steiwer
Bridges	Graves	McNary	Thomas, Okla.
Brown, Mich.	Green	Maloney	Thomas, Utah
Brown, N. H.	Guffey	Miller	Townsend
Bulkley	Hale	Minton	Truman
Bulow	Harrison	Moore	Tydings
Burke	Hatch	Murray	Vandenberg
Byrd	Hayden	Neely	Van Nuys
Byrnes	Herring	Norris	Wagner
Capper	Hitchcock	O'Mahoney	Walsh
Caraway	Holt	Overton	Wheeler
Chavez	Johnson, Calif.	Pepper	White
Connally	Johnson, Colo.	Pittman	

Mr. MINTON. I announce that the Senator from Delaware [Mr. HUGHES] is detained from the Senate because of illness.

The Senator from Missouri [Mr. CLARK] and the Senator from Illinois [Mr. LEWIS] are detained on important public business.

The VICE PRESIDENT. Ninety-one Senators having answered to their names, a quorum is present.

REPORT OF FEDERAL FIRE COUNCIL

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Public Buildings and Grounds, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress, the first annual report of the Federal Fire Council.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 13, 1937.*

ORDINANCES OF PUBLIC SERVICE COMMISSION OF PUERTO RICO

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by section 38 of the act of Congress, approved March 2, 1917, entitled "An act to provide a civil government for Puerto Rico, and for other purposes," I have the honor to transmit herewith certified copies of each of five ordinances adopted by the Public Service Commission of Puerto Rico. The ordinances are described in the accompanying letter from the Secretary of the Interior forwarding them to me.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 13, 1937.*

LIMITATION OF FUNDS FOR FEDERAL-AID HIGHWAYS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adoted by the Santa Barbara County (Calif.) Chamber of Commerce, favoring the prompt enactment of the bill (H. R. 7558) to extend the mining laws of the United States to the Joshua Tree National Monument in California, which was referred to the Committee on Public Lands and Surveys.

Mr. SHEPPARD presented a memorial of 86 citizens and seamen of Houston, Tex., remonstrating against the enactment of the bill (S. 3078) to amend the Merchant Marine Act, 1936, and for other purposes, and protesting against the proposal to place maritime employees within the jurisdiction of the National Mediation Board in case of dispute, which was referred to the Committee on Commerce.

Mr. COPELAND presented a resolution adopted by Chenango County (N. Y.) Pomona Grange, Patrons of Husbandry, protesting against the enactment of the so-called Black-Connery wage and hour bill, or similar legislation, which was ordered to lie on the table.

He also presented resolutions adopted by Oatka Falls Grange, No. 394, of Le Roy, and Broome County Pomona Grange, both of the Patrons of Husbandry, in the State of New York, protesting against the enactment of pending crop-control legislation, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lewis and Oneida Counties, N. Y., remonstrating against the enactment of crop-control legislation, which was ordered to lie on the table.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHEELER:

A bill (S. 3132) granting to certain needy persons the right to obtain fuel from lands of the agricultural experiment station near Miles City, Mont.; to the Committee on Agriculture and Forestry.